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NEWS, VIEWS and ISSUES

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DESTROY AFTER BACKGROUNDER HAS SERVED ITS PURPOSE OR WITHIN 60 DAYS

Freedom of Information Act: Burdensome, Costly, Much Used

First of a series

By George Lardner Jr.
Washington Post Staff Writer

Ten years ago on Independence Day, 1966, President Johnson signed the Freedom of Information Act with a ringing statement about the importance of openness in government.

The new statute went into effect a year later under Justice Department guidelines asserting that disclosure of government documents was to be "the general rule, not the exception."

"If government is to be truly of, by, and for the people, the people must know in detail the activities of government," Attorney General Ramsey Clark said at the time. "Nothing so diminishes democracy as secrecy."

The trouble was that the law didn't work. It contained no deadlines for compliance and no penalties for violation. With few exceptions, the federal bureaucracy responded with stalling tactics, excessive fees for copying and document searches and other dodges. Some critics began calling it a "freedom from information" law.

Congress tried again in 1974 with a string of amendments designed to close the biggest loopholes. The potential impact of the changes on bureaucracy's customary ways was reflected in the adverse reaction from the White House.

His promises of an "open" administration notwithstanding, President Ford vetoed the bill. He maintained that it would be unworkable and even "unconstitutional"—too much of a burden on government agencies and too much of an encroachment on executive authority.

The amended Freedom of Information Act was passed again over his veto, partly because of the Watergate scandal and other government misdeeds that had been kept from the public and partly because of the stubborn, protracted resistance that frustrated the intent of the original law. The amended law became effective Feb. 19, 1975.

Discomfiture over the Freedom of Information Act (FOIA) has become evident in almost every corner of the federal bureaucracy.

It is burdensome. It is costlier than expected. And it is working far more effectively than anyone imagined when Congress enacted it despite Mr. Ford's veto.

Compliance with the law is still far from a settled fact of government routine. Some officials act as though they never heard of it. Others complain at the very mention of it. Congressional investigators say that at one agency, there have been reports that requests under the law have been simply "trashed."

There are some 500 lawsuits currently pending over its application and meaning, and the Justice Department is struggling to weaken the FOIA's most pointed provisions.

For the first time, federal officials are supposed to respond, within fixed deadlines, to requests from "any person" for government documents. For the first time, officials face disciplinary action for any arbitrary or capricious withholdings.

Thus armed, the new law has led to the uncovering of thousands of hitherto secret documents on historic events and present-day controversies, from the Rosenberg spy case to the maneuvering behind India's 1974 atomic explosion.

A special body of secret law at the Federal Trade Commission, Alger Hiss' "Pumpkin Papers," long-classified National Security Council directives, Central Intelligence Agency records about assassinations at home and abroad—all these and more have been dredged up by freedom-of-information lawsuits.

The requests come in all shapes and sizes. The General Services Administration was asked how much toilet paper it buys each year for the supersecret National Security Agency. The CIA has been repeatedly importuned for everything it has about Amelia Earhart (the official response is "nothing").

Tens of thousands of freedom-of-information inquiries—there is no complete count—have poured into federal agencies in the past 17 months. Perhaps the best measure of its unexpected popularity lies in the costs attributed to it, although these, too, are incomplete.

Using the old law as its gauge, the House Committee on Government Operations had estimated—before their adoption—that the changes in the Freedom of Information Act would cost no more than $100,000 a year for the entire federal establishment.

The Defense Department says its expenditures alone in complying with the law for most of 1975 suggested a projected annual cost of $5.9 million.

The FBI says it spent $1.6 million last year and maintains it will need $3.4 million for FOIA and related Privacy Act requests in the coming fiscal year. The Treasury Department puts its expenses last year at $3.3 million, and Health, Education and Welfare said its costs were $2.36 million. The CIA calculated that it spent $1.39 million on salaries alone of employees coping with FOIA requests.

Preliminary compilations from the annual reports to Congress that the new legislation required show costs close to $20 million, without counting

FOIA's Nine Categories Of Disclosure Exemptions

The Freedom of Information Act of 1966 and the amendments that became law last year contain nine exemptions to disclosure. This means that material in the nine categories may not be made public under an FOI request filed with a federal department or agency.

Because a document is exempt, however, does not mean that it must be kept secret. Government agencies are, as a general rule, free to disclose exempt documents. They must disclose non-exempt documents.

Also exempted, though not listed among the nine categories, is Congress. The Freedom of Information Act cannot be cited by persons seeking documents from Capitol Hill.

These are the nine categories of material exempted from the amended act:

- National defense or foreign policy information that is properly classified.
- Information that is related solely to internal personnel rules and practices of an agency or department.
- Data specifically exempted from disclosure by another federal statute.
- Trade secrets and commercial or financial information the government has obtained that is privileged or confidential.
- Information that would be considered privileged in a civil suit.
- Personnel, medical or other files that, if disclosed, would be considered an unwarranted invasion of personal privacy.
- Investigatory files, but only to the extent that one or more of six specified forms of harm would result.
- Certain bank records.
- Data on oil wells.

a number of Cabinet-level departments and federal agencies that didn't bother to make the calculations.

To suggestions that the law is costing too much, its advocates reply that the government spends far more on public relations puffery. With freedom-of-information requests, says chief counsel Thomas Susman of the Senate Subcommittee on Administrative Practice, "You know someone wanted the information enough to write in and ask for it.

"We don't know that about the movies, the booklets, the recordings, the cassettes and the pamphlets the government puts out by the billions and which cost far more than the Freedom of Information Act."

House Government Information Subcommittee staffer Ted Jacobs predicted the costs will go down once the backlog of requests is out of the way. He said of the claimed expenditures, many of which were attributed to the time spent by high-priced officials in reviewing requested documents: "I think, frankly, that these agencies have wanted to show how expensive Freedom of Information could be. But anyway, there are so many worthless tasks being done by the government. Here's a worthwhile one."

The top official in charge of the FOIA at the Justice Department, Deputy Attorney General Harold R. Tyler Jr., says he feels "there are valuable and important societal benefits embodied in the Freedom of Information Act."

But, he adds, "I am loath to believe that the tremendous diversion of resources to this area of operations, within the Department of Justice alone, is a reasonable price for our society to pay for the actual benefits being achieved or which can be realistically anticipated in the foreseeable future."

By contrast, the Defense Department, which has a much heavier freedom-of-information workload, reports no such misgivings. Officials there agree that the freedom-of-information law imposes heavy demands, especially on high-level officials whose expertise is needed to determine whether previously classified documents can be safely released. But they think it worth the effort.

"We're determined to make it work," Pentagon freedom-of-information director Charles W. Hinkle says of the law.

Last February, for instance, former Defense Department executive Morton Halperin asked for copies of what various Secretaries of Defense had said in their classified annual statements about Soviet and Chinese strategic forces.

It cost an estimated $16,688 in staff time for specialists who reviewed what was still sensitive and what could be made public, according to a Pentagon spokesman.

Because of past abuses, the new FOIA does not permit the government to charge for review time. Officials can charge for the expenses of finding and copying requested documents, but these, too, can be waived when disclosure is deemed to be "in the public interest." Halperin got his bundle of cleared material free.

The new law requires disclosure of investigatory files unless it would cause one or more of six specified hazards, such as depriving someone of a fair trial. The old law had exempted such files from disclosure.

A so-called "national security" exemption for classified documents was also trimmed back in response to a 1973 Supreme Court decision holding that not even federal judges could question the wisdom of the "top secret," "secret," and "confidential" labels on classified documents. In 1974 Congress passed freedom-of-information amendments authorizing judicial review to determine whether such documents are, in fact, properly classified.

Another key provision of the 1974 amendments called for disclosure of whatever documents and portions of documents that were "reasonably segregable" from otherwise secret records. Pages, paragraphs, even sentences must be made public, according to an updated set of Justice Department guidelines, if they are "at all intelligible."

The new rules produced a surge of demands throughout the government and proved especially unsettling at places like the FBI and the CIA, agencies that had been able in large measure to ignore the old law.

"We hit the peak in July of last year," says Gene Wilson, the CIA's Freedom of Information Act and Privacy Act coordinator. The report of the Rockefeller Commission on the CIA's domestic spying and harassment of American citizens had just come out. Congressional investigations were multiplying.

The backlog of requests waiting to be answered at the CIA reached 2,400—despite the new law's deadlines of 10 working days for the government's decision on whether to comply with a request and 40 working days for final administrative action on any appeals.

Wilson estimated that the CIA has the equivalent of 100 persons working full time on information requests, but he said it still takes one month to six weeks to respond to a routine request.

At the CIA, he said, "often the right hand doesn't know what the left hand is doing. You can't go to a computer and just push a button. You have to go off in four or five directions."

The CIA logged 6,609 Freedom-of-Information-Act requests last year and another 552 under the Privacy Act, which went into effect last September. It gives citizens a right to see and correct their own files (by and large, they already had a right to see them under the FOIA). The backlog has been cut down by now to about 1,000 cases, but Wilson said, "we'll never be current." He added that the agency has allocated what it thinks is a sufficient amount of money to the task and said it probably will not spend more to do it faster.

Under the new FOIA guidelines promulgated in February, 1975, Attorney General Edward H. Levi declared: "Needless to say, burden is no excuse for intentionally disregarding or slighting the requirements of the law, and, where necessary, additional resources should be sought or provided to achieve full compliance."

The Justice Department, however, appears to be taking that advice with a grain of salt. Instead of more money and manpower, Deputy Attorney General Harold R. Tyler spoke—in the department's first annual report on the new law—in terms of changing it.

Tyler said "reformulation" of the law was necessary to "permit a substantial portion of the personnel now working in this area to return to the traditional substantive missions of the Department of Justice, while continuing to meet the principal goals of the Freedom of Information Act."

Tyler did not spell out all the changes he thought were needed, but he made clear that he felt an easing of the deadlines—at least for complicated requests—was essential.

The Justice Department received some 30,000 disclosure requests in 1975 under the Freedom of Information and Privacy Acts, a number, Tyler said, "far in excess of what anyone anticipated." Of that total, 14,478 were addressed to the FBI. The pace, this year, has not subsided.

The bureau says it has nearly 200 persons, including 25 special agents, working full time on public requests for its documents. "That's larger than 50 of our field offices," says FOIA Privacy Section Chief James Powers.

Despite its large FOIA staff, the bureau is just now getting requests made last October and November. The mammoth logjam is getting worse rather than better. What was reported as a seven-month backlog in May is now approaching a nine-month backlog.

Nine members of the House with FBI oversight duties, led by Rep. Christopher J. Dodd (D-Conn.), have asked the General Accounting Office, Congress' investigatory arm, to probe "the FBI's difficulty in meeting its statutory requirement for timely processing." Rep. Bella S. Abzug (D-N.Y.), chairman of the House Government Information Subcommittee, asked the GAO to determine whether the FBI has engaged in "delaying tactics."

Assistant FBI Director John J. McDermott says, "We're not out to evade the law, but we have to prioritize our work." He maintained at a recent court hearing that the best solution would be a bill sponsored by Rep. Andrew J. Maguire (D-N.Y.) with drafting help from the Justice Department. It would permit slower reading at the FBI and any other agency devoted to "criminal investigation"—at the rate of 60 days for the first 200 pages of requested records and 30 days for every 200 pages after that.

"I can visualize that that would take 10 to 20 years for some cases." U.S. District Court Judge June Green retorted. "I like to move my cases a little faster than that. I think that would be a great relief to the FBI but as far as any other source is concerned, I don't think that would be any relief at all."

The Maguire bill would also accord blanket secrecy to any records of investigations "which are currently active or which have been active within the preceding two years."

Defense Department officials say

they were able to process 44,403 freedom-of-information requests without any great crises. And unlike the FBI's statistics, the DOD total does not include the far more numerous requests for personal records under the Privacy Act.

During the last three months of 1975, for instance, the Army received approximately 3,400 freedom-of-information requests, another 13,000 requests for access to records under the Privacy Act, and another 10,000 inquiries under the Privacy Act about the existence of pertinent records—more than the FBI got all year.

Pentagon FOIA Director Hinkle said, "We have no backlog" of requests.

The policy at the Pentagon is to err on the side of disclosure, Hinkel added. The policy is to release even a record exempt from the law if no significant and legitimate government purpose is served by keeping it secret. As a result, the Defense Department, the place with the most secrets, has the best reputation in the federal government among freedom-of-information advocates.

Officials at the FBI or in the upper echelons of the Justice Department say they have no intention of allocating much more money for the job. Critics of the FBI's performance suggest that more is needed than simply a bigger appropriation anyway.

"The FBI has instituted a system that guarantees frustration and delay," charges consumer advocate Ralph Nader. He said the bureau's freedom-of-information section, despite its size, does not have the authority to declassify sensitive documents. For this, several levels of review are required, including approval by FBI Director Clarence M. Kelley's office.

The basic trouble, U.S. District Court Judge William B. Jones has observed, is that the FBI and various other agencies "don't like the Freedom of Information Act."

Next: Open government and the Justice Department

THE WASHINGTON POST *Monday, July 26, 1976* B

Information Act: Years of Foot-Dragging Not Ended

Second of a series

By George Lardner Jr.
Washington Post Staff Writer

When former antiwar activist Tom Hayden took the FBI to court this year for all its files about him, the bureau replied that it would take "approximately four years" to process his request.

U.S. District Court Judge William B. Bryant strenuously rejected the FBI's "extraordinary" bid for a stay. He said it was "completely out of line" with the goals of the Freedom of Information Act, which Hayden had invoked and which requires federal officials to answer requests from "any person" for government documents.

Although the law provides for some delay in unusual cirumstances, Bryant ruled several weeks ago, it "was not intended to convert the federal courthouse into a refuge from the time pressures of the act, where stringent legal requirements are finally subordinated to administrative convenience."

What the judge called "administrative convenience" may still win out. Ruling in another case early this month, the U.S. Circuit Court of Appeals here dealt a serious blow to the deadlines Congress approved in 1974 in order to give muscle to freedom-of-information requests.

Enacted to counter what the House Government Operations Committee had criticized as "years of foot-dragging by the federal bureaucracy," the new law laid down a 10-day deadline for the government to make an initial determination of FOI requests and 20 days to resolve any appeals. Under "unusual circumstances," such as a request for a voluminous amount of records, either period may be extended for a combined total of 10 days at most.

FBI officials say it is now taking them as much as nine months to handle even routine requests. They say they are saddled with such "an exceedingly heavy volume" that it is impossible to avoid substantial delays although some other agencies such as the Pentagon report no such problems.

The Court of Appeals majority held that the FBI was working diligently to comply with the law. Under the "exceptional circumstances" facing the bureau, the court ruled, the rigorous deadlines set by Congress "become not mandatory but directory."

The case involved a request by a group of George Washington University law students called "Open America." The students asked the FBI last October for copies of all documents and files relating to former FBI Director L. Patrick Gray's role in the "Watergate affair." When the bureau replied that the inquiry would be stacked up behind thousands of others, Open America filed suit under provisions of the Freedom of Information Act making government failure to comply with the deadlines equivalent to denial.

Circuit Court Judge Malcolm Wilkey dismissed the notion that Congress meant to give priority to those who take their freedom-of-information cases to court. He held that individuals should be required to show "exceptional need or urgency" before getting to the head of the line.

Circuit Court Judge Harold Leventhal wrote a separate concurring opinion contending that the court should have simply given the FBI more time. He complained that the majority ruling "turns the burden of proof mandated by Congress upside down."

"No longer must the government make out a case of exceptional circumstances," Leventhal protested. "Instead the plaintiff will be required to show a genuine need and reason for urgency."

He said that Congress did intend to give priority to those who file lawsuits under the Freedom of Information Act and to grant that priority without any test of their motives or need. "... (I)f a debt is not paid when due, the creditor who goes to court will receive priority over a creditor who waits, for whatever reason," Leventhal observed.

Justice Department lawyers were delighted with the Wilkey opinion and vowed to apply it to all other applicable cases, including Tom Hayden's. (Hayden's lawyers said he filed suit only after discovering that the FBI had quietly abandoned work on his request last November after reviewing 900 pages of documents—out of 18,000.)

"We will be letting the courts know [about the decision] as soon as we can get it Xeroxed," Jeffrey F. Axelrad, chief attorney in the Justice Department's information and privacy section, said shortly after the ruling.

He said the lawyers in his section would renew their opposition to court-imposed deadlines in freedom-of-information cases wherever those deadlines do not give what the government considers enough time to permit "orderly processing of requests."

Freedom-of-information advocates acknowledged the circuit court ruling was a serious setback.

"It's going to cause a lot of problems," said Mark Lynch, director of the Freedom of Information Clearinghouse, which was established in 1972 as a part of Ralph Nader's Center for the Study of Responsive Law. Lynch said a major problem with the Open America case was the lack of any evidence about shortcomings of the FBI's methods.

"They've got a system that's guaranteed not to work within the time limits," Lynch contends. "They've got a never-ending succession of review . . . We've got to get a case where we can depose all those [FBI] guys and lay it all out."

Axelrad's section, which has nine lawyers, represents most government agencies in freedom-of-information litigation. He estimated that there are approximately 450 suits pending along with another 50 "reverse FOIA" cases where outside interests are suing the government to prevent the release of information.

"Only 20 per cent of our FOI cases are for the FBI, but the bureau is still our largest single client," Axelrad says. "Next, I would guess, is the CIA."

Proponents of the new freedom-of-information law, which went into effect in February, 1975, say the new deadlines were one of the keys to shaking the government out of its long lethargy.

Another key, they said, was the "sanctions provision" calling for disciplinary proceedings by the Civil Service Commission whenever a judge

has issued a written finding suggesting that government bureaucrats may have acted "arbitrarily or capriciously with respect to the withholding."

"It's the fear that does it," says Lynch. A lobbyist for the legislation in 1974, he credits Nader with pressing for the provision and selling Sen. Edward M. Kennedy (D-Mass.) on it. Kennedy steered the bill through the Senate as chairman of the Administrative Practice and Procedure Subcommittee.

"I don't know of any other provision Ralph was so determined about," Lynch recalls of the sanctions measure. "Tom Susman [Kennedy's chief counsel] said, 'Well, it'd be nice, but it could sink the whole bill.' Ralph talked to Kennedy about it and convinced him . . . Then Kennedy argued for it for three days in conference [with the House] . . . Kennedy knew the arguments. And he won."

Only one case has arisen so far in which the courts have recommended a Civil Service Commission inquiry. Justice Department lawyers are trying to prevent it from taking place.

The dispute involves a State Department official, Norman Holly, who was returning from the Far East on Dec. 29, 1974, when he landed at Seattle International Airport and was hustled off to an interrogation room by Customs agents.

According to Holly, he was forced to leave his baggage behind him where it could have been stolen, and then he was subjected to "degrading and abusive" interrogation about a minor discrepancy involving some articles he had bought overseas. He said one Customs agent confiscated his driver's license and automobile registration.

Holly demanded an investigation in a letter to Customs Commissioner Vernon Acree and then, in May of 1975, asked for the records of the inquiry.

Customs officials denied him the documents, saying it was "not our policy" to provide them. Holly kept pressing, capping the effort with an appeal to Acree last September stating, "I believe that your office has behaved in an arbitrary and capricious manner."

The Customs Service did not supply the records he sought until last January, about a month after he filed suit in U.S. District Court. Then they were turned over to him "subject to certain deletions." Among the deletions were the names of the Customs agents, which were withheld on the grounds that "their disclosure would endanger the life or physical safety of law enforcement personnel."

Holly's suit was assigned to Judge Bryant, who found no justification for these or several other deletions. In a ruling March 29, he also held that "the circumstances surrounding the withholding of this information raise questions as to whether agency personnel acted arbitrarily or capriciously with respect to the withholding of the requested information."

Accordingly he ordered the U.S. marshal here to serve a copy of his findings on the chairman of the Civil Service Commission "so that he might promptly initiate a proceeding to determine whether disciplinary action is warranted against those primarily responsible for the illegal withholding . . ."

U.S. Attorney Earl Silbert and two assistants came back a few days later with an elaborate request for a modification of Bryant's order. They maintained that customs had exercised "utmost diligence" after receiving Holly's appeal and held "many inter-office meetings and exchanges of memoranda on the merits of the case. . ."

Holly said the government's "plaint" was full of errors. Judge Bryant denied the government petition for reconsideration this month. Justice lawyers are expected to appeal and ask the court to stay the Civil Service inquiry.

At the same time department officials deny any antipathy toward the spirit of freedom of information and openness in government, but gadflies such as Nader maintain that their antagonism toward the law is plain.

The Justice Department, Nader charged recently in a speech to the Federal Bar Association, is "dedicated to undermining rather than implementing" the act. He said the department often pursued litigation in defense of secrecy "when in many cases there really are no grounds for a legitimate defense."

"The charge is as valid as the source," replies Quinlan Shea Jr., head of the Justice Department's Freedom of Information Appeals Unit. "I consider it an invalid charge . . . He [Nader] is just shooting off his mouth."

Shea maintained that the Justice Department, including the FBI, was doing its best to comply with the law in the midst of a sea of sensitive documents.

"I'm not saying we're perfect," Shea said. "I'm not trying to be perfect. I'm not Mary Poppins." But he said there were "very few" withholdings for the sake of withholding in the Justice Department.

He acknowledged, however, that the government does sometimes make frivolous claims on behalf of secrecy and that the Justice Department does sometimes carry them into court on behalf of other agencies with a straight face. For instance, he said in an interview, he would not try to justify the National Security Council's insistence that not a line of its long-secret directives could safely be released.

Shea suggested that Justice Department support of wrong decisions is often inescapable.

"Everybody in government is constantly trying to get Congress to let his agency represent itself," he said. "Justice opposes that . . . What's a poor Civil Division lawyer [at Justice] supposed to do? He's not an expert on classification. Sure they [the NSC] were stonewalling. It's incredibly stupid. Sometimes we defend legal positions we wouldn't take for the [Justice] Department. But if you won't defend your client and you won't let your client defend himself, you've just got a lot of angry clients."

Only once, it seems, has the Justice Department used its clout on freedom-of-information issues and refused to represent a federal agency that persisted in withholding information.

According to a government lawyer familiar with the details, the refusal occurred several years ago when the Agriculture Department refused to make public some statistics from tests on the fat content of hot dogs—on the grounds that the tests were investigative records.

Justice Department lawyers told officials at Agriculture to make the information public or take the risk of going to court without a lawyer. Agriculture ignored the warning and suit was filed. "Counsel was withheld," the government lawyer said, "and Agriculture had to give in."

Axelrad, however, apparently does not consider it his job to override the decisions of other agencies. He told the Federal Bar Association that he and his section simply did not have the personnel to make a complete review of the merits of every case that comes their way.

"The agencies are responsible for administering the act," he said. "We have no monopoly on knowledge at the Justice Department."

NEXT: Who uses the Freedom of Information Act?

Use, Abuse of Freedom of Information Act

Third in a series

By George Lardner Jr.
Washington Post Staff Writer

Food and Drug Commissioner Alexander M. Schmidt is unhappy over the way the freedom of information law has worked at his agency.

About 90 per cent of the requests for disclosure of documents, according to Schmidt, support what he calls "industrial espionage—companies seeking information about their competitors—and not the public's right to know."

The charge that corporate America has commandeered the freedom of information law for its own purposes has become a common theme since the adoption of amendments in 1974 promised quicker and fuller access to government files.

"Open Files: Letting Exxon In," intoned a headline in The Washington Monthly. "Why Many Business Secrets Are Now in Danger," proclaimed one in the Nation's Business.

There is no question that American businesses and the Washington law firms they hire have been using the law extensively. But so has the general public, historians, scientists and public interest groups. The biggest abstainers, officials say, have been members of the press, apparently because the law is often too sluggish for them.

"I haven't had a newsman fighting a deadline ask a question yet," says Quinlan Shea, head of the Justice Department's freedom-of-information appeals unit.

Defenders of the Freedom of Information Act (FOIA) say businessmen are as entitled as anyone to use it. And they're more likely to march into court to sue for the files they want if the government turns them down.

they were able to process 44,403 freedom-of-information requests without any great crises. And unlike the FBI's statistics, the DOD total does not include the far more numerous requests for personal records under the Privacy Act.

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Freedom-of-information advocates acknowledged the circuit court ruling was a serious setback.

"It's going to cause a lot of problems," said Mark Lynch, director of the Freedom of Information Clearinghouse, which was established in 1972 as a part of Ralph Nader's Center for the Study of Responsive Law. Lynch said a major problem with the Open America case was the lack of any evidence about shortcomings of the FBI's methods.

"They've got a system that's guaranteed not to work within the time limits," Lynch contends. "They've got a never-ending succession of review . . . We've got to get a case where we can depose all those [FBI] guys and lay it all out."

Axelrad's section, which has nine lawyers, represents most government agencies in freedom-of-information litigation. He estimated that there are approximately 450 suits pending along with another 50 "reverse FOIA" cases where outside interests are suing the government to prevent the release of information.

"Only 20 per cent of our FOI cases are for the FBI, but the bureau is still our largest single client," Axelrad says. "Next, I would guess, is the CIA."

Proponents of the new freedom-of-information law, which went into effect in February, 1975, say the new deadlines were one of the keys to shaking the government out of its long lethargy.

Another key, they said, was the "sanctions provision" calling for disciplinary proceedings by the Civil Service Commission whenever a judge

"Sure, the squeaky hinge gets the oil," says Washington attorney James H. Wallace Jr. "Corporate use, either directly or through straws, represents a large percentage of the use of FOI." But he said that government actions affect corporations more directly and significantly than any other group.

Mark Lynch, an attorney at the nonprofit Freedom of Information Clearinghouse, says: "The government is engaged in a very systematic attempt to discredit the act on the grounds that corporations are using it more than anyone else. But to the extent that corporations are using it to get at secret law, secret decisions, they should be no more subject to all that than you or I. The fact they've got the resources to fight it is wonderful.

"To the extent that they tie up an agency, that is an abuse," says Lynch.

"Sure, it's unfair," Wallace agrees.

The question of who uses the law most depends on what agency is asked. At the Food and Drug Administration, whose jurisdiction includes 500,000 business enterprises and $200 billion in industrial output, the patronage is overwhelmingly corporate.

In general, says FDA spokeswoman Mary Carol Kelly, a drug company will "write in and want to know everything about another drug." FDA will then have to search its files, sometimes using highly paid professionals like microbiologists to review the documents and distinguish between what is a trade secret, and thus to be withheld, and what can be given out.

"Even with what we give out, that still gives them a lot. It puts them one up," she said.

The FDA estimates that it spent $1.2 million to administer the freedom of information law during the last fiscal year while collecting fees of less than $100,000. In 1975, it got 13,140 requests compared with 2,644 the year before. "It will probably keep increasing . . . it's growing by leaps and bounds," Kelly said.

Some figures would appear to be inflated. At the Defense Department, the Air Force said it had 85,479 initial freedom-of-information requests—on the theory (previously criticized by congressional investigators) that every public inquiry could be blamed on the law. The Pentagon revised the FOIA workload for the Air Force and put the total at 27,000.

In similar fashion at FDA, many documents that were routinely handed out in the past are now labeled FOIA reports, Kelly said. "Now we document who we're giving them out to, and we list it down. Before, we just gave them out."

Other FDA practices generate more business. Under administrative regulations adopted shortly before the new freedom-of-information amendments took effect in February, 1975, the FDA began maintaining a daily log, open to the public, of who wanted what under the FOIA.

"I think 40 per cent of the requests we receive are requests which have previously appeared on the log and are generated by the log itself," said FDA spokesman Wayne Pines.

"It's costing us $1 million a year and all the log is doing is increasing that business," he said.

The law has given birth to a tiny cottage industry, but its practitioners report mixed results.

One of the companies that sprouted up, Freedom of Information Services, Inc., of Rockville, trafficks heavily at FDA and offers a weekly index listing of FOIA requests—compiled from the daily FDA log—at the special yearly rate of $280.

"We're making a profit," says FOI Services' general manager William Conley, whose firm has upwards of 200 clients. "I wouldn't call it a gold mine, but we're moderately successful."

Meanwhile, says FDA's freedom-of-information chief, Ed Costello, the clients of such companies remain anonymous. "That's what bugs me," he said.

Costello said various food and drug consulting firms routinely ask FDA for its "establishment inspection reports," which are compiled on food distributors, food warehouses, pharmaceutical manufacturers and the like. The drug companies also keep watch on the log.

If it shows, for instance, that Squibb has asked for material on Upjohn, other drug companies are likely to duplicate the request to see what it is that interests Squibb. Even Upjohn is likely to ask.

Another company that specializes in FOIA requests is headquartered in Crystal Bay, Nev., and has the same name as the first company: Freedom of Information Services, Inc. "We started sooner," said Conley, "so they've got a problem in their title."

The Nevada company, according to president Rainer W. Mahlmann, is running $100,000 in the red since it publicly launched itself last winter with an ad in The Sacramento Bee asking in boldface type: "Wouldn't you like to see what Washington has in its secret files on you? . . . We'll help you cut through the bureaucratic red tape."

It hasn't been easy, Mahlmann said in a telephone interview. He offered the firm's services at $15 for each earmarked agency, promising customers preprinted forms and follow-up services to obtain their files at any of 15 listed agencies, from the FBI to the U.S. Civil Rights Commission.

"Initially we thought there'd be 10 million people out there who wanted to see their files, but that isn't the case at all," he said. "There's a lot of paranoia out there. People say, 'Why should I see my file, it hasn't hurt me.' They ask, 'Will they create a new file on me?' They *really* are spooky about the federal government."

Mahlmann's biggest problems, he said, have been with the FBI. He said he has submitted between 500 and 600 requests to the bureau under the Privacy Act, but neither he nor his clients have received a single file back.

(An awkwardly drafted companion to the freedom-of-information amendments, the Privacy Act, which went into effect last September, creates, basically, a right to see and correct mistakes in one's files in the government. But many government files, especially investigative records, can be exempted from Privacy Act scrutiny. When that happens, individuals are supposed to be able to obtain copies of their files under the FOIA.)

As an example of what the government squirrels away about a person and why it's worth demanding a look-see, Mahlmann cites his Army Intelligence file. It was put together in 1963 when he was in the Army getting a security clearance.

"It said I owed 50 cents to my high school for not returning my locker key," Mahlmann recalled. "That shows you the kind of stuff your high school keeps. It said that I dated two or three times a week, but that I was never intimate with my dates. How did they know? It also said I was financially irresponsible because I owed $5 for a jaywalking ticket to the city of Seattle. The scope of trivia that goes into these things is absolutely mind-boggling."

If Privacy Act and freedom-of-information requests are counted together, individual inquiries for one's own records apparently far outnumber those from corporations or any other single source.

"We get an awful lot from people doing research," says the CIA's freedom-of-information coordinator, Gene Wilson. "That's one of the problems of FOIA. Some people see it as a device to get the government doing research for them. In fact, for every request we get from a newsman, we probably get two from academics. But the biggest bulk is from John Q. Public."

The regulatory agencies, by contrast, get a bigger rush from corporations. It gives rise to special problems.

At the Federal Trade Commission, attorney Jeffrey S. Edelstein said companies often file massive requests that not only give them "double discovery" opportunities in FTC administrative proceedings, but serve to "harass agency complaint counsel" who are suddenly saddled with the chore of *reviewing* thousands of extraneous documents.

In one case, the FTC issued a complaint involving the alleged sale of millions of dollars of worthless land. "The company asked for all (FTC) documents relating to land sales," Edelstein said. "And the requester refused to narrow the request. It involves more than 400,000 documents. The agency counsel [assigned to the complaint] had to spend 75 per cent of their time [reviewing the documents] because only they were in a knowledgeable position to review them."

More than two-thirds of all freedom-of-information requests and more than 60 per cent of the administrative appeals at the FTC last year were made by corporations or law firms representing a corporate client. Individuals accounted for 12.5 per cent of the initial FOIA requests; state and local governments, 9.3 per cent; the press, 5.3 per cent, and public interest groups, 4.2 per cent.

Corporations as well as public interest groups have a right to look over the shoulder of regulatory agencies, says consumer advocate Ralph Nader.

"You can't have a double standard," he says. "Anything that can wake up the FTC at the early stages of their resolve is to the good."

Attorney Wallace, who makes extensive use of FOIA on behalf of corporate clients, points out that it also "permitted us to gain access to secret agency law" at the FTC.

"Until a year ago," he said, "the FTC had a whole body of law for quashing investigative subpoenas. But it was all secret. There were hundreds of these decisions with the basis for quashing

and other details all laid out. How could we advise our clients, when they got subpoenas, whether they'd stand up or not? The decision, the precedents, were all secret. Now they're all in the public records room."

Indeed, despite the lamentation of FTC officials about the law, Wallace maintains they are often guilty of "indecent exposure," of letting out too much. On the secret body of law, he said, "we were willing to take the [FTC] decisions with the names [of the companies subpoenaed] excluded, so they wouldn't disclose who'd been under investigation. The FTC said, 'we're going to disclose the names anyway.'"

Wallace said the FOIA does pose hazards for corporations in that it could lead to the inadvertent disclosure of business information that ought to be kept confidential. A lot of the business community's FOIA requests, said Lynch of the Freedom of Information Clearinghouse, are made "in the hope that some tidbit will slip through."

Now, the Freedom of Information Act, aimed at cutting down the number of "classified" labels on government documents, is, Wallace reports, also causing corporations to buy their own rubber stamps for use on documents they give to Uncle Sam.

Said Wallace: "What you do is before you supply the data, corporate flag it, mark it secret. The federal agencies don't have to honor that, but the hope is that they will. At least it brings it to their attention. [The practice] has mushroomed since the 1974 [FOIA] amendments. They stamp it, 'confidential,' or 'trade secret,' something like that."

NEXT: Old practices of secrecy.

A Penchant for Secrecy Remains

Agencies Find New Ways to Block Freedom of Information Act

Fourth in a Series

By George Lardner Jr.
Washington Post Staff Writer

Some federal agencies are still inventing their own excuses to duck the freedom-of-information law.

On March 8, the Selective Service System refused to make public even the annual report to Congress that the streamlined freedom-of-information law requires.

"The document requested is a statutory agency report," Selective Service officials decreed in weighty tones. "As such, it does not constitute, in our opinion, public information as contemplated by the Freedom of Information Act."

Furthermore, the Ohio University journalism professor who had asked for the report was informed, "we do not believe that release of such report by this agency would be proper. Your request is therefore denied."

It took a scathing Senate floor speech by Edward M. Kennedy (D-Mass.) to unplug the document, one of approximately 90 that federal agencies and departments has submitted to Capitol Hill. As chairman of the Senate Subcommittee on Administrative Practice and Procedure, Kennedy was one of the key architects—and remains a chief overseer—of the 1974 amendments to the Freedom of Information Act. The law is supposed to make disclosure of government documents the rule rather than the exception.

Kennedy said the Selective Service episode showed "so blatant a disregard of the law" that it could well warrant the bureaucratic penalties that the 1974 freedom-of-information amendments prescribed for "arbitrary and capricious" denials of information.

Although the law still permits withholding of records that fall into any of nine exempt categories—from national defense to geological data—Kennedy caustically observed that "nowhere do I find an exemption for records, the release of which the agency does not consider 'proper.'"

Selective Service general counsel Petter T. Straub, whose office had made the initial denial, finally relented May 12, in a terse, two-sentence letter saying that the request had been "re-evaluated."

The Kennedy subcommittee's chief counsel, Thomas Susman, said the Selective Service incident was by no means unique. Although it has been more than a year since Congress sharply narrowed the old law's loopholes (for so-called "national security" and investigative files) and provided new ways of overcoming government foot-dragging, Susman said "the old practices [of secrecy] are alive and well."

He said the National Science Foundation also sought to keep secret part of its annual freedom-of-information report: a legal opinion from general counsel Charles F. Brown telling the National Science Board what it might have to make public under the new law. (Brown assured board members that "the bulk of the information at the executive session" meetings would continue to be "exempt from disclosure.")

The penchant for secrecy is reflected at other agencies in various ways. The Central Intelligence Agency, critics say, likes to invoke the specter of search fees running into the thousands of dollars to discourage requests. The State Department seized on the Privacy Act as a classification device and tried to use it to restrict dissemination of a list of State Department employees who had authority to classify documents.

"They maintained the list shouldn't be released because that would somehow violate the Privacy Act," said Timothy H. Ingram, staff director of the House Subcommittee on Government Information and Individual Rights. He said the notion was absurd. "The list deals with the duties of employees in their official capacity," Ingram said. "That's got nothing to do with the Privacy Act."

At the CIA, the agency actually charged less than $2,000 in search and copying fees during all of 1975, but CIA freedom-of-information coordinator Gene Wilson acknowledges using the prospect of huge bills to trim back onerous demands.

"If no fee were involved, it would make it impossible to talk to a requester and get him to narrow his request," Wilson said. "For one particular request, we established that it would cost $60,000—just for the search alone. It involved going through mountains of documents to find just one. FOI, without some controls, could run away."

Last year, under Director William Colby, the CIA waived many fees in accordance with public interest provisions of the law applicable to disclosures that are deemed to benefit the general public. But fresh complaints are building.

"The CIA seemed to be making a serious effort at the start to comply—under Colby," said Mark Lynch of the nonprofit Freedom of Information Clearinghouse here. "But that's changed. Recently, they've started to charge search fees for every request, even for stuff they've already dug up for congressional committees."

Wilson insists that the CIA is improving even though outsiders might not notice. "They teach you here for 20 years how to keep information secret, how to keep it within the walls," he said, "and then along comes a law that says, 'Turn around, review what can go out, make it public.'" He said the agency is starting to do that, although perhaps not too perceptibly.

"If I were with the American Civil Liberties Union," Wilson allowed, "I'd say we were stonewalling."

Critics of the Internal Revenue Service say the IRS forces them to file lawsuits again and again to obtain essentially the same kind of documents the courts decreed they should have. The FBI, the National Security Agency and the Justice Department have all been accused of denying the existence of documents that have later been unearthed by other agencies.

For the government, the burdens imposed by the Freedom of Information Act remain considerable. Officials at the Office of Management and Budget acknowledge that they have thus far been trying to make government agencies "swallow the cost" of complying with the law. But few agencies seem inclined to ask for freedom-of-information money anyway, preferring instead to attack the 10- and 20-day deadlines in the law as impossible to meet.

(Despite the tight-fistedness at OMB, Congress recently allocated extra money for 202 additional positions at the FBI for the sake of

"complying with the Freedom of Information Act and the Privacy Act." The bureau has a nine-month backlog of requests under the two laws, but rather than add more people, it apparently plans to use most of the extra money to refill the positions it had raided to put together the FOI unit it has now.)

"Mr. [Deputy Assistant Attorney General Harold] Tyler has said what's allocated now is more than a generous allocation of resources," Quinlan Shea, head of the Justice Department's Appeals Unit, said of the department's—and the FBI's—efforts. "That's it."

There are always some citizens who suspect the government of being out to "get" them. Now some officials are complaining that the Freedom of Information Act is being used to turn the tables.

"Certain groups that are objects of investigative interest are requesting their members to ask for their own [FBI] records," Shea said. "The plan is to put them all together, rent some computer time, and figure out who the [government] informers among them are."

Shea also mentioned a leaflet put out by the Fifth Estate, an intelligence muckraking organization, suggesting the construction of campus and neighborhood freedom-of-information booths and urging massive campaigns to swamp the FBI with demands for personal files.

"The FBI has admitted gathering files on thousands of Americans involved in antiwar and civil rights organizations," the leaflets state. "What is needed now is a mass movement of tens of thousands of citizens requesting their files . . . You can say NO to FBI harassment. You can say NO to FBI crimes . . . We can make it so costly and unmanageable for the FBI to maintain political files that the practice may be curtailed. *Write Clarence Kelley today!*"

Grimacing, Shea asserted: "If these people are trying to impede the ability of the FBI to do their other missions, they are succeeding. They may just be playing games, but to the extent that they're not, their requests ought to be put back under a fee schedule . . . I'm talking about a flat filing fee."

(Under the freedom-of-information law, fees are supposed to be limited to "reasonable standard charges for document search and duplication . . .").

The California-based Church of Scientology has also been keeping government agencies busy with sweeping demands for records of all sorts that might concern the controversial cult. The church reports that it has made some 1,500 freedom-of-information requests and filed more than 15 lawsuits against various government agencies including the Customs Service, the Treasury Department, the CIA and the FBI. Recently, the Council of Scientology Ministers has put out a booklet aimed at encouraging others to join the parade.

Others said to be fond of filing freedom-of-information requests range from inmates of federal prisons with time on their hands to those veterans of the antiwar and civil rights movements who regard a government file on them as an important symbol of their work and worth.

"We get a lot of what I call macho appeals," Shea said, "from people who can't believe they're such small potatoes that there are no files on them."

Lynch agrees. "It's like not making the enemies list," he said of some antiwar protesters he's met. "They are absolutely crushed."

At the highly compartmentalized CIA, said Wilson, even dry runs can be expensive. "It costs us $150 to find out we have nothing on somebody," he said.

Defenders of the revitalized freedom-of-information law say that its current heavy play is the result of government spying and lying more than anything else.

"If these agencies are getting more requests than anyone anticipated, I would blame that not on the freedom-of-information law, but on the fact that everyone distrusts these agencies that have been mucking around in their private affairs," said Susman of the Kennedy subcommittee.

Morton Halperin, a former Defense Department and National Security Council official now active in a nonprofit project to win declassification of so-called national security documents, agreed that reviewing classified records "certainly takes a lot of the time of senior people in the government."

"But if they didn't keep so much secret, they wouldn't have to spend so much time," Halperin added. "If they were paying more attention to the declassification of documents right at the start, as they're supposed to do, they wouldn't be spending so much time reviewing them when the requests are made. It's only because they don't obey their own regulations that it takes so long a time."

Halperin pointed out that a 1972 executive order issued by President Nixon called for the systematic declassification of government documents and far more restraint in classifying new ones.

The Nixon order, still in effect, permitted secrecy—and appropriate labeling—only for government documents that genuinely demand it.

Under the new FOIA, the propriety of "national security" classifications was opened up for the first time to judicial review. The change was accompanied by dark whispers in some government circles about the fact that even foreign citizens could make freedom-of-information requests. The law can be invoked by "any person."

No one openly claims that the danger lies in a flood of requests from the KGB, the Soviet Secret Police. One of Halperin's aides once asked a CIA official if they were really worried that the KGB might use the law and he reportedly replied, "No there's honor among thieves."

Beyond that, said Robert L. Saloschin, chairman of the Justice Department's Freedom of Information Committee, the fuss over foreigners is simply " a lot of whoop-te-do."

"A forceful argument could be made that a guy in Timbuktu shouldn't be able to cost thousands of dollars to gratify a whim," said Saloschin. (His committee is supposed to be consulted by other government agencies before making any final denials of information. In fact, it is often bypassed.) "But any foreign entity who really wants to use the act has no problem. He can get a straw to make the request.

The official Justice Department line, then, is that requests from foreign nationals should be honored under the "any person" rule. At the CIA, Wilson said, that policy is followed. According to Deputy Assistant Secretary of State for Public Affairs, William D. Blair Jr., the State Department also has been accepting such requests.

The FBI, by contrast, staked out the position that the law "was designed to enlighten the electorate" and that no foreigners need apply.

CIA officials said that as they understood it, the bureau was "not responding" to requests from foreigners as recently as a couple of months ago. Richard Rogers, deputy chief of the Justice Department's FOI appeals unit, said one foreign citizen who asked for his files was turned down by the bureau last January, but Deputy Attorney General Tyler reversed the action on appeal last Thursday—half a year later—following inquiries by a reporter about such cases.

The head of the FBI's freedom-of-information unit, James Powers, said he could not recall just how long the bureau's policy of denying foreign requests had been in effect, but he said it has been abandoned.

"Initially, we felt it was not in the interests of the [freedom of information] act to make information available to a citizen of a foreign country," Powers said. "The [Justice] Department did not agree with us. The rule now is that it would be made available."

The FBI would still prefer to read the law its own way, though. Powers said he wanted to leave open "the option" that the policy might be "re-evaluated" and changed again so foreign citizens could once more be turned down.

NEXT: Backstage maneuvering on Capitol Hill to escape the freedom-of-information law.

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Observations

The CIA is recruiting pilots in Sweden for DC-3 and Hercules transport planes to ferry war material to Angola. Officially, the pilots are being asked to fly "hot tomatoes."

Lawmakers Thwart Sneak Attacks on Information Act

By George Lardner Jr.
Washington Post Staff Writer

The Parole Commission tried to escape under a cloud of numbers. The National Transportation Safety Board proposed a bill that would have curtailed the Freedom of Information Act at the behest of foreign governments.

Backstage attempts to restore an aura of secrecy at various government agencies have been under way on Capitol Hill for months.

So far there have been no major legislative inroads on the disclosure rules established by the 1974 amendments to the Freedom of Information Act. The law makes government documents available, as a general rule, at public request. But fending off changes has required a careful lookout on the part of Sen. Edward M. Kennedy (D-Mass.) and his Senate Judiciary Subcommittee on Administrative Practice and Procedure.

The Parole Commission tried to get off the hook last year in a lengthy bill revamping federal parole procedures. Tucked deep in the text was a short provision stating that Sections 551 through 559 of Title 5 of the U.S. Code "shall not apply" to the work of the commission.

"That looks innocent enough," says the Senate subcommittee's chief counsel, Thomas Susman, "but Section 552 happens to be the Freedom of Information Act and Section 552-A happens to be the Privacy Act."

The Parole Commission bill had gone through the House with the escape clause intact, but Kennedy and his subcommittee staff deleted it in the Senate.

More recently, in a brief Senate floor speech concerning the Transportation Safety Board, Kennedy said he would continue to "oppose attempts to circumvent the Freedom of Information Act with provisions vague in language, overbroad in scope, or unjustified by clearly evidenced need."

The Safety Board bill was prompted by a recent international agreement on civil aviation, the so-called "Chicago Convention" which warns against premature release of certain aircraft accident information garnered from investigations conducted by foreign countries.

The French embassy protested that the Safety Board might be unable to restrict such information in a satisfactory manner.

The solution originally proposed to Congress, Kennedy later pointed out, would have prohibited absolutely the disclosure of information obtained from an investigation conducted by a foreign state. Not even the courts would have been able to obtain the data without the foreign government's consent.

"The bill was reported out of the Senate Commerce Committee May 14, giving the board basically everything it wanted," Susman recalled.

"That would have left foreign states, the Safety Board and the airplane manufacturers—since they often participate in the investigations—with the information," Susman said. "But not passengers or families suing for damages. And not Congress."

Dickering produced a much narrower, tightly drafted bill protecting only "confidential information"—and then only on explicit request of a foreign government, and for two years at most. It passed the Senate July 1.

"The same thing has happened on other occasions," Susman says of efforts to wiggle out of FOI requirements. "I think Congress is standing up for what it said, that disclosure is to be the rule . . . Everything we've caught, we've been able to satisfy ourselves, by amendment or otherwise, that it is not doing injury to the basic principles of the Freedom of Information Act."

The result, nevertheless, is to keep adding to the pile of laws that the Freedom of Information Act acknowledges as exempting a wide range of government records. Under the law, officials need not make public any records "specifically exempted from disclosure by statute."

More than 60 such laws were on the books last year. Each agency seems to have its favorite, according to statistics compiled for a House Government Operations subcommittee headed by Rep. Bella Abzug (D-N.Y.).

The Agriculture Department likes to invoke a statute prescribing confidentiality for periodic reports from "warehousemen, processors and common carriers of corn, wheat, cotton, rice, peanuts or tobacco. . .all ginners of cotton. . .all brokers and dealers in peanuts" and other such folk.

The CIA leans heavily on its power to protect "intelligence sources and methods from unauthorized disclosure."

The Postal Service seems fond of a law permitting secrecy for "the reports and memoranda of consultants or independent contractors," among other matters.

Congressional advocates of the information law such as Susman contend it is preferable to keep building up that body of specially tailored law—when secrecy is in order—than to stake out new, broadly worded exemptions (there are nine now, including one for "national security") in the law itself.

For the present, the law is, as Susman puts it, in "a shakedown period."

Except for a House inquiry into the FBI's mammoth backlog, no congressional hearings on how the law is working are contemplated until next year. By then, supporters of the law hope, the initial flood of freedom of information requests prompted by the 1974 amendments will have subsided.

Officials at the Justice Department, which favors upending some of the law's more rigorous provisions, are skeptical that the flood will drop noticeably.

According to Quinlan Shea, head of the Justice Department's Freedom of Information Appeals Unit, even a little publicity about the law touches off a rush of requests for records.

A persistent bureaucratic claim has been that laws such as the Freedom of Information Act would inhibit bold decisions, put a chill on the exchange of free and candid advice within the government, deter officials from speaking up for fear that what they say will be made public.

Most of those conversant with the law, including Shea, say they have noticed no sudden shyness among government officials.

But archivist of the United States James B. Rhoads says he's still worried that historians of the future may wind up with less available to them.

"I don't have any hard evidence that this is true, but from things I've heard people [in government] say, I get the impression that they may be putting less on paper than they otherwise would, that they may be handling matters on the phone instead," Rhoads remarked.

Rhoads said he wasn't speaking of routine government paperwork—of which there is always too much—but rather of documents reflecting important government decisions and actions.

"My concern is that it [the information law] might create a less full, informative, rich record of what the government has done," Rhoads said. "Society as a whole is the loser if that results."

The archivist acknowledged, however, that he was speaking primarily from "instinctive feeling," and that it would be 15 to 20 years before his suspicions could be shown to be right or wrong.

"Typically, records don't come to us until they're about 20 years old," Rhoads said. Despite his concerns, he said he was still in favor of the "basic philosophy underlying the Freedom of Information Act.

"Many agencies have been far too restrictive" in what they make public, he said. "I think government can perform in the sunshine to a greater degree."

An attorney with the nonprofit Freedom of Information Clearinghouse, Mark Lynch, doubts that the historic record will be less complete.

"The bureaucratic pressure to get everything down on paper to protect oneself is, I think, still substantially stronger than the fear of disclosure," he says.

For some members of the press, that impulse—to get everything down on paper as a protective device—is also one of the unintended drawbacks of the Freedom of Information Act.

Some government agencies are apparently beginning to insist that reporters submit even routine inquiries in writing, as an FOI request.

In one recent instance, officials in the State Department's foreign buildings office refused to answer questions from a reporter and insisted that freedom-of-information requests be filed to obtain routine information

—such as the normal State Department procedure for resubmitting construction contract bids.

In addition, these officials reviewed each file requested by a reporter and wanted to charge more than $1,500 as a search fee for records concerning contracts with one construction firm.

The fee was substantially reduced by the freedom-of-information office in the State Department, and foreign building officials later became more cooperative in answering routine questions—but only after several weeks of negotiations.

"The government, historically, bosoms its records," says Shea at the Justice Department. In his view, the information act should be needed primarily as "an extraordinary remedy." Invoking it as a substitute for judicial discovery or in place of routine requests for public information should not be required.

"Unfortunately, that is not the case," Shea said. The routine public information request, even discovery procedures, do not produce information as readily as they should, he said.

As one government official sees it, the basic problem with the Freedom of Information Act and other statutes calling for "openness" in government is that they tend to create their own "stultifying" bureaucracies—which could result in more rather than less secrecy.

William T. Bagley, chairman of the fledgling Commodity Futures Trading Commission and a former California legislator who authored many "sunshine" laws there, said he has been struck by a lack of an essential "atmosphere of openness" in Washington and an apparent lack of interest on the part of the press in fostering such an atmosphere.

In Washington, he protested, the conventional wisdom seems to be that anything that is out in the open must be unimportant.

The CIA's freedom-of-information coordinator, Gene Wilson, says high-ranking officials sometimes find themselves loaded down with documents to review in response to information requests instead of headier affairs of state. But he says he has noticed no impact on the quality of official decisions. And if other pressing chores come up, such as a briefing for the White House, he adds, the FOI request will be shunted aside.

"The impact is not on the decision-making process," Wilson says. "The impact is on the record-keeping process. The agency has a tendency to be a string-saver. All of a sudden, you get the occasion to push a button and out comes a document that you're embarrassed to let out."

The CIA would like to burn many of those records. Other agencies would also like to dispose of much of the paperwork from their past, instead of having to dredge it up and review it under a freedom-of-information request.

"In some areas [of government], they're just going to have to open their files to the public and let the public do the searching," predicts Susman. Other congressional staffers add that the government must also improve its historically dismal records-management practices.

Washington attorney James Wallace predicts that the government will begin following corporate methods before long, adopting "systematic procedures where they don't have all sorts of documents lying around."

"Corporations commit less to paper and they have provisions for systematic destruction of what they do put on paper," Wallace says. "A certain class of files may be destroyed after one year, another after two years and so on."

It may take a while to achieve even that mundane reform. According to the alarums of the Commission on Federal Paperwork, government form-filling has reached such proportions that it is costing the form fillers $20 billion a year to fill them out and the government another $20 billion to process them.

Meanwhile, there are signs that a showdown may develop next year over proposed changes in the law.

"We are paying a terrible price," asserts Quinlan Shea of the time and expense of administering the FOI and the privacy laws as they stand now. "I would wager next year's paycheck that you couldn't get these laws through Congress today. I think the situation is absolutely outrageous."

Asked what change he would most like to see in the freedom of information law, Shea said he would take a flat exemption for investigative records on current cases, "including the right to not necessarily admit we have such a file."

Legislative skirmishing can also be expected over the deadlines the law sets for responding to FOI requests, the "national security" exemption, and such questions as whether higher fees should be charged for corporate requests for information.

Despite the complaints from the bureaucracy, defenders of the law say there is no sign of congressional disenchantment strong enough to repeal or even cripple it.

Ron Plesser, chief counsel of the Privacy Protection Study Commission and formerly an attorney at the Freedom of Information Clearinghouse, said Shea's remarks "sound as if he's laying the groundwork for an attempt to transform the act—if the administration wins the election." Plesser said he doubted such an attempt could muster much support.

WASHINGTON POST
6 AUG 1978

Soviet Diplomat Said Menaced By CIA Agents

By Murrey Marder
Washington Post Staff Writer

A Soviet charge that American Central Intelligence agents threatened to kill a Russian diplomat in New York who balked when two men attempted to recruit him as a double-agent is the latest episode in the Washington-Moscow chill.

The accusation surfaced this week in a dramatic cloak-and-dagger article in the Soviet publication, Literaturnya Gazeta, or Literary Gazette.

The weekly, the official organ of the Soviet Writers' Union, in May printed widely published accusations that three American correspondents based in Moscow worked for the Central Intelligence Agency. Those charges were angrily denied by the newsmen.

The newest allegation concerns a more classic form of intelligence work, recruiting double-agents. Many nations do so, but they publicly air it only infrequently—and for ulterior motives.

What makes the Literary Gazette's charge unusual are its colorful and detailed allegations. To the CIA, the ulterior motive of Soviet intelligence in this case is to piggyback on the tide of criticisms that has rolled over the agency in the United States and abroad.

The CIA on Tuesday declined comment on the Literary Gazette's accusation of a frustrated New York recruitment plot. In answer to further inquiries yesterday, a CIA spokesman said:

"They're getting a free ride on the three initials (CIA); I wouldn't dignify this rubbish with any comment."

Was there any truth to the Soviet accusation? After three days of inquiry, no one would say so outright. But neither would any agency of the U.S. government issue an official denial of the entire Soviet account.

Privately, however, informed sources in the administration said the CIA was getting "a bum rap." Their intended implication was that the CIA was not the agency involved. Officials would say only that surveillance of Soviet diplomats in this country is under control of the Federal Bureau of Investigation, not the CIA.

The FBI has referred all inquiries to the State Department. The State Department, in turn, has denied a portion of the Literary Gazette accusation, but not the central point — whether an attempt was made to recruit a Soviet diplomat for counter-intelligence.

Instead, the State Department acknowledged that the Soviet Foreign Ministry last week formerly protested what it called a "provocation" against Oleg Vasilyevich Kharchenko.

Kharchenko, the center of the Literary Gazette accusation, was a personal assistant to the chief Soviet delegate to the United Nations, Yakov A. Malik.

According to the Soviet publication, Kharchenko

hurriedly left New York on July 18. The Gazette charged that, two days earlier, two CIA agents, identified only as "Mr. Bryant" and "Bob," suggested he might never leave the Hilton Hotel, where they talked with him, except "through the window" if he refused "to cooperate."

In the Gazette's account, Kharchenko was told by the two alleged CIA agents that "they had 'enough ways of spoiling his career.' 'Even of breaking it,' Bob promised with a smile."

Their last warning words to Kharchenko, according to the Gazette, were, "You have until 19, Monday July to think it over." And added: "So as you say. In Russia, 'until Monday!' 'Until Monday!' Kharchenko reassured him."

Kharchenko left New York for Moscow a day earlier, Sunday.

In response to repeated inquiries, the State Department has limited itself to saying that "our policy is not to comment on such allegations," except in this case to "note that the official protest by the Soviet Foreign Ministry does not allege a threat against Mr. Kharchenko" as Literary Gazette charged.

On the key issue of whether an intelligence recruiting attempt was made by any U.S. agency, the State Department is silent. The whole episode, said one administration official, is "a tempest in a teapot," and "highly dramatized" at that.

"After all," said another, "this kind of counter-intelligence contact is not unusual, it is 'legitimate' —but of course I'm not confirming that it happened."

Wednesday, August 4, 1976 The Washington Star

CIA Discussed Purchase Of LSD Worth $240,000

By Allan Frank
Washington Star Staff Writer

The CIA in 1953 discussed purchase of 10 kilograms of LSD — enough for 100 million doses — worth $240,000 for use in its drug experimentation program on animal and human subjects, according to newly released agency documents.

The documents were made available to reporters yesterday by John D. Marks, director of the CIA project at the Center for National Security Studies, after he obtained them from the CIA under the Freedom of Information Act.

The documents show that the purchase of the 10 kilos of LSD was recommended by CIA officials but do not establish whether a purchase of that quantity was ever made.

ONE REASON for the large CIA purchase proposal was to preclude other countries from controlling the supply, the documents indicate. Some unspecified quantities of LSD were purchased from the drug's prime manufacturer, Sandoz Laboratories of Basel, Switzerland, the documents indicate.

The 59 documents display a sketchy pattern of widespread behavior modification experimentation on humans through the use of drugs, radiation and other methods during the 1950s and 1960s by the CIA.

One question raised — and left unanswered by the documents — is how many people received drugs without their knowledge during CIA experiments which have not been publicly detailed.

The documents link drug experiments recently disclosed by the Army to a CIA-controlled interagency project which also "informally" involved the FBI, the Department of Agriculture, the Bureau of Narcotics, the Food and Drug Adminstration, state and local agencies, hospitals, universities and privately controlled foundations.

DR. SIDNEY COHEN, professor of psychiatrity at UCLA and a leading expert on LSD experimentation, said yesterday that he knew of perhaps 25,000 doses of the drug being administered to humans since testing began by goverment and private agencies in the late 1940s.

Cohen and another UCLA expert, Dr. Thomas Ungerleider, said an average LSD dose was 100 micrograms — or 10,000 doses per gram. Both men said that with proper storage laboratory-grade LSD similar to that purchased from a Swiss company by the CIA does not disintegrate easily.

Cohen, a former government drug program officer, said he was aware that LSD experiments had been conducted on inmates at the Vacaville, Calif., medical prison but that he was unaware, until told of the documents, that the CIA has been involved in testing. The documents also say that testing was done on human subjects at "such institutions as the U.S. Drug Treatment Center in Frankfort, Ky."

The documents do not disclose what has happened to the CIA's vast store of LSD and other hallucinogens derived from mushrooms and other plants.

The documents say no CIA drug experimentation has been conducted since 1967 without full knowledge of the experiment by persons being tested.

AMONG THE 139 drugs tested by the CIA were sodium pentathol, sometimes called truth serum; cocaine; marijuana; coffee; alcohol; insulin; and antropine, a widely used anidote to some nerve gas weapons.

While many names have been "sanitized" by the CIA from the documents, it is clear that the CIA project, first code-named "Bluebird," then "Artichoke," involved many citizens who were unaware of CIA participation or that they were being given drugs.

During the last year, both the Army and the CIA have disclosed that persons died as a result of drug experiments in 1953.

After unwittingly taking a dose of LSD disguised in a glass of Cointreau, Frank R. Olson, a biological warfare researcher, leaped 10 stories to his death from a New York hotel window.

Harold Blauer, a tennis professional, also died after receiving a mescaline-derivative as a result of an Army-sponsored experiment at the New York State Psychiatric Institute.

THE DOCUMENTS released yesterday show that CIA Director Allen Dulles admonished CIA officials for their "poor judgment" in the Olson case and experimentation involving unsuspecting individuals. The CIA recently paid the Olson family $1.25 million.

Marks said yesterday he filed his freedom-of-information request June 25, 1975, just 15 days after the Rockefeller Commission report on CIA activities said, "The drug program was part of a much larger CIA program to study possible means for controlling human behavior. Other studies explored the effects of fadiation, electric shock, psychiatry, sociology and harassment substances."

Marks sought details of the various experiments, but the documents he received yesterday covered little of some aspects of CIA work, such as radiation experimentation.

The Rockefeller report noted that in 1973, 152 files of CIA records on behavior modification programs were destroyed.

The documents released yesterday disclose that the shredding of the files was ordered by Richard M. Helms, director of central intelligence shortly before his resignation, despite the written protest of at least one other CIA official.

CIA FEARS THAT Russian, North Korean and other intelligence agencies were using mind-bending drugs to elicit secrets from American agents and others in the late 1940s prompted the agency to begin its behavior modification studies program, according to the documents and earlier references in the Rockefeller report.

The documents disclose that the CIA decided it needed the behavior control program after studies of testimony at Russian-directed trials, such as that of Josef Cardinal Mindszenty in Hungary in 1949, raised the specter of "bizarre confessions" and unnatural human behavior.

The testimony of Mindszenty and memory lapses about a trip across Manchuria by U.S. soldiers who were Korean POWs convinced CIA officials that foreign intelligence services were conducting behavior control experiments with numerous techniques using drugs, electric shock, sound waves and other methods.

The CIA wanted to develop coun-

termeasures to such tactics and to use techniques to exercise absolute control over its own employes.

THE DOCUMENTS disclose that CIA officials were anxious to experiment with the Korean War POWs to determine whether the foreigners had tampered with the minds of the imprisoned Americans.

The documents mention CIA wariness of possible public reaction to such experimentation with POWs recuperating at a military hospital in Valley Forge, Pa. No mention is made about whether testing was later performed with the POWs.

Another case referred to is that of Associated Press correspondent William N. Oatis, the AP bureau chief in Prague, Czechoslovakia, who was arrested in April, 1951, by Czech authorities and imprisoned for more than two years on "espionage charges."

One document said that the CIA approached the AP for cooperation in testing Oatis when he returned in May of 1953 but that Oatis was being held "practically incommunicado" by the AP and was unavailable for testing because the AP was "down on this agency."

Another document said a discussion by a CIA doctor with an unnamed AP executive gleaned "certain facts," including the information that Oatis was in "surprisingly good condition at the time of his release" from the Czech prison.

FRANK J. STARZEL, general manager of the Associated Press at the time, said yesterday, "That's ridiculous. He wasn't being held incommunicado. His being in good health was a lot of nonsense. When he came back, he was as foggy as they come." Starzel said he did not recall any CIA official visiting him about Oatis.

He denied that the AP was feuding with the CIA at the time but said that no reporter "liked the CIA operators because they almost always had an ax to grind and almost never told the truth."

Wes Gallagher, now AP general manager and director of personnel for AP during the Oatis incident, said yesterday, "I hadn't heard of a CIA request, but it would have been standard for us to decline a debriefing of Oatis by the CIA or anybody else."

Oatis, now an editor on the AP World Desk in New York, said yesterday that at times during his trial and imprisonment he had been underfed, kept awake, placed under intense sunlamps and injected with glucose "to keep my strength up." But Oatis said that he is "convinced" that he was never given mind-altering drugs by Czech authorities.

WASHINGTON POST
5 AUG 1976

CIA Sought to Employ Truth Serum On Returning Korea War Prisoners

By Austin Scott
Washington Post Staff Writer

Early in 1953 the Central Intelligence Agency wanted to inject truth serum into American prisoners of war returning from Korea, according to censored, previously secret CIA documents released yesterday.

But the Surgeon General's office "ruled out completely" the CIA's suggestion that sodium amythal and pentothal, commonly called truth serums, be used on the returnees in their camp at Valley Forge, Pa., the documents said.

A CIA spokesman said there would be no immediate comment.

The inch-thick stack of 59 documents, released in response to a Freedom of Information Act request, shed more light on the CIA's proposed behavior modificiation experiments on both "witting and unwitting" subturn on the whole country," said John D. Marks of the Center for National Security Studies, a non-profit group that filed the FOI request on June 30, 1975. The center was founded in 1974.

They show that in October 1953, the CIA discussed buying 10 kilograms of the hallucinogen LSD from a company whose name the agency censored from its internal memoranda.

"That's 100 million doses, enough to turn on the whole country," said nonprofit group that filed the FOI request on June 30, 1975. The center was founded in 1974.

The documents do not indicate whether the CIA ever completed the purchase.

They do show that at various times during the three programs, codenamed Bluebird, Artichoke and Mkultra, the agency also discussed ways of determining the shock effects of cocaine, insulin, ultrasonic disorientation, radiation, toxic mushrooms and aphrodisiacs.

In addition, they confirm for the first time that state prisoners at the California Medical Facility in Vacaville were subjects of CIA experiments. Anti-CIA groups have charged for years that prison inmates were given mind-changing drugs.

Bluebird, Artichoke and Mkultra were begun, the documents claim, in response to fears that the Soviet Union had ". . . made provision for large-scale production of uncommon drugs known for their speech-producing effects."

A Feb. 10, 1951, document notes that the Soviet Union's abilities to gather intelligence ". . . other than by conventional psychological methods appear to have been developed to the extent that the United States will be unable to compete in this important field unless a well organized, coordinated program is established . . ."

Bluebird was started in May, 1951, and was renamed Artichoke the following August.

An undated CIA document lists as one "directly related" activity experiments the Navy began at Bethesda in 1947 into "the isolation and synthesis of pure drugs for use in effecting psychological entry and control of the individual."

The documents include reports on Artichoke conferences. One, dated April 16, 1953, says:

". . . All hands agreed that . . . it was essential to find an area where large numbers of bodies would be used for research and experimentation."

The report describes a doctor, his name deleted, as saying that "in connection with the testing of drugs, he was quite certain a number of psychiatrists all over the United States would be willing to test new drugs, especially drugs that affect the mind . . . All present agreed that the wider the testing the better the chances of success."

The report cites a discussion of Artichoke's effort to experiment on returning Korean POWs.

"All hands agreed that the 'hard core' group and those who had been successfully indoctrinated were excellent subjects for Artichoke work," it says, adding:

"But it was the general opinion of those present that owing to publicity and poor handling, the Artichoke techniques could not probably be brought to bear."

A report on a May 21, 1953, Artichoke conference noted:

"Mr. [name deleted] stated that extreme pressure of public opinion both on the military services and on Congress had interfered with a well worked out program in connection with the POWs . . . although there had been some discussion as to possible use of sodium amythal and pentothal, this had been ruled out completely by the Surgeon General's Office . . ."

The use of at least one other drug was ruled out, the report said, because all the POW's were being held in one ward and there would be a "long and obvious period of hangover.

"Mr. [name deleted] stated that there was little chance of using the Artichoke techniques on the returnees . . ."

A report on a June 18, 1953, Artichoke conference noted that "arrangements had been made for the collection, cultivation, propagation and testing of certain poisonous and narcotic mushrooms by different agencies, both governmental and private."

It added that "Mr. [named deleted] discussed the Valley Forge POW question and stated that nothing of Artichoke value had turned up at Valley Forge."

The purchase of LSD was discussed in a conference report dated Oct. 22, 1953. It referred to an "alleged offer of the [named deleted] Company" to sell 10 kilograms at a price "estimated to be $240,000 or less."

The conferees agreed the drug should be purchased "if possible," the report said, but the documents do not reveal whether such a purchase was actually made.

One month later, in November, 1953, Dr. Frank Olson, a civilian biochemist at Fort Detrick, Md., committed suicide in New York after drinking an after-dinner cordial which the CIA, without his knowledge, had laced with LSD.

In a "Memorandum for the Record" dated Jan. 17, 1975, a CIA official whose name was deleted described the Mkultra program as "a group of projects most of which dealt with drug or counter-drug research and development."

Most of the research and development was contracted out to other government and private agencies, including academic and industrial institutions, the memorandum said.

Another document said the final phase of MKULTRA testing involved "application to unwitting subjects in normal situations commencing in 1955 under an informal arrangement with individuals in the Bureau of Narcotics, under which two of its employees on the West Coast conducted tests. A similar arrangement was made for the East Coast in 1961."

That document does not say where the tests were conducted.

"In a number of instances the test subject became ill for hours or days, including hospitalization in at least one case," it notes.

A third document says: "Testing was . . . often carried out at such facilities as the U.S. Drug Treatment Center in Frankfort, Ky., and the California State Prison in Vacaville. In all cases that I am aware of, testing was done using volunteer inmates who were witting of the nature of the test program but not the ultimate sponsoring organization."

The program wound down "as the Soviet drug use scare (and the amount of significant progress in the Mkultra Program) decreases," the memorandum notes.

All Mkultra records and files were destroyed Jan. 31, 1973, at the instructions of Mr Sidney Gottlieb, former chief of the CIA branch having jurisdiction over the project.

A memorandum addressed to the CIA Inspector General says that all CIA experimentation with drugs to influence behavior ended in 1967 and that the agency's indirect involvement with such programs ended in August, 1973.

A July 26, 1963, report to then CIA director John A. McCone said, "The concepts involved in manipulating human behavior are found by many people both within and outside the agency to be distasteful and unethical . . ."

An Aug. 14, 1963, "report of inspection of Mkultra" says Mkultra's final testing phase also ". . . places the rights and interests of U.S. citizens in jeopardy."

It said even though Mkultra worked with "an inventory of discrediting, disabling and lethal substances," inspection of the program was hampered by a lack of records. Only two unnamed, "highly skilled" individuals "have full substantive knowledge of the program and most of that knowledge is unrecorded," it said.

THE MANCHESTER GUARDIAN
28 July 1976

Market intelligence at a rare level

CIA (INVESTMENTS)

SOUTHERN Capital and Management is what is known in the intelligence trade as a "proprietary" — a wholly owned and operated subsidiary of the US Central Inteligence Agency.

So far as is known, Southern Capital is the CIA's largest remaining proprietary. Its work in managing the CIA's $30 million investment portfolio is so secret that the agency persuaded the Senate intelligence committee not to press for the company's actual name, instead calling it "the insurance complex."

For more than 20 years, the CIA has made extensive use of proprietaries, like Southern Capital, to hide operations under the mantle of private enterprise. To incorporate and run this "business" empire, the agency has relied on lawyers who perform secret services for the agency's overlapping, interlocking network of front companies.

Southern Capital takes the CIA straight to Wall Street. It is the investment arm of an assortment of proprietary financial companies, located mainly in tax havens, such as the Bahamas, Bermuda, the Cayman Islands, and Panama.

Southern Capital was created in 1962 as a front insurance company to provide coverage for agents and equipment involved in covert operations — particularly those connected with CIA-owned airlines. "The insurance complex" then branched out into other entrepreneurial ventures. It received money from CIA insurance premiums, from deductions taken from secret agents' pay and — at least once in the past 10 years, according to a CIA budget specialist — from funds left over from the agency's congressional appropriation.

By the late 1960s, Southern Capital had on hand between $25 million and $30 million which it invested in a mix of stocks, bonds, and other securities — both foreign and domestic. During the early years, investment decisions were made largely by a brokerage firm.

But in either 1969 or 1970, an internal CIA study concluded that the agency would receive a higher profit if CIA experts decided what to buy and sell. A special CIA board of directors, chaired by the then general counsel, Mr Lawrence Houston, took over the selection of securities for Southern Capital.

On this committee — which was called the MH Mutual Group — say the CIA's chief of budgeting, the director of finance, and the head of the office of economic research.

This last member was particularly important, according to an inside CIA source, because he enabled Southern Capital to "draw on the advice of the (CIA's) economic research people. Any stockbroker would like 300 trained experts giving advice. If it was not a conflict of interest, it at least should have been offered to the public."

The proprietary's best earner was Eurodollar deposits made through the Morgan Guaranty Bank's Brussels office with a return of 13 per cent at one point, a former employee recalls. After the mutual committee took over, Southern Capital branched out from its normal blue chip purchases to more speculative fields, including short-term buys of Swiss francs and several hundred thousand dollars in Mexican pesos.

Another source reports that during the early 1970s, when the CIA was working secretly with ITT to keep President Allende from power in Chile, Southern Capital owned some ITT stock. Mutual's chairman told the Senate committee: "Well, a couple of times our investment adviser recommended a stock which I knew we had big contracts with, and I told the board no, this involvers a conflict of interest. We won't touch it."

The net profit on Southern Capital's portfolio in 1974 was more than $1.5 millions, according to the Senate report. Most of that money never found its way on to Southern's balance sheets, however, because it legally belonged to proprietary insurance and financial companies in tax havens. Southern Capital did submit US tax returns, but was under no obligation to list the money it made for its sister proprietaries.

The company kept three or four lawyers busy full time, a former Southern employee recalls: "Mr Evans, was a stickler on legality."

"Mr Evans" is Mr Marvin Evans, who ran Southern Capital for the CIA until his retirement in 1973. Mr Evans extends the proprietary trail to Africa, among other places, and his stewardship illustrates how difficult it becomes to sort out the private interests of the proprietary managers from the "official" interests of the CIA.

Mr Evans apparently not only managed the CIA's portfolio, but also ran an in-house investment club for people working in the office.

One of his private law clients, a Miami man, named Mr Thomas Green, runs a string of air companies in Florida, Africa and the Caribbean. Africair, Mr Green's holding company, is apparently not an outright proprietary, but it has done considerable business for the CIA.

Mr Evans now owns 15 per cent of Africair — Mr Green served on the board of directors of Southern Capital. One of Africair's largest subsidiaries is Pan African Air-

lines, based in Lagos, Nigeria. According to Civil Aeronautics Board records, this company makes 80 per cent of its revenues from a single US Government contact for air service to remote outposts in West Africa. The CIA is a major participant in that contract, according to a State Department official, who puts its value for the year at $575,000. Informed CIA sources report that Pan African was set up in 1962 in close cooperation with with the agency and is considered inside the CIA to be a covert "asset."

In 1975, Africair sought CAS approval to merge with South-East Airlines, which flies in Florida and the Caribbean. In that filing, Africair noted its companies were making a profit from their African interests at rates "more than adequte to cover" the losses it expected from Southeast. Africair received CAS approval, and thus the profit received in large part from unpublicised CIA business was used to subsidise an air service in Florida.

Neither Mr Green nor Mr Evans would return a reporter's repeated telephone calls, requesting information about the various interwined relationships.

The CIA has used its proprietaries to establish influence over many of the world's airlines, especially in the Third World. To see how this is done, it is necessary only to follow men connected with Southern Capital. Two of its directors have also served on the board of a related proprietary, known as United Business Associates. During the mid-1960s, UBA had Washington offices, with at least two other CIA fronts on the same floor.

A former UBA officer recalls that one of the company's biggest operations was a deal to finance a national airline for Libya, then a kingdom. "Our interest was to lend money for the purpose of controlling the airline," he says. "It was to offset the Communists from moving in."

The money — reportedly several million dollars — was to come from other CIA proprietaries, according to the ex-officer, and UBA had a plan to win over the Libyan Government.

"The way we set it up was like this: we had to offer them control over 20 per cent of the stock of the corporation and we would lend them the money. Then we would have to put one of their natives alongside every American in a similar position. Talking about kickbacks, that's the name of the trade over there. That's how we covered the men of the Cabinet . . . and if we ever called that note, they would have taken the franchise away."

UBA did not win the franchise, but neither did TWA which was in at least indirect competition with the agency's UBA, having prepared a feasibility study.

Why this great intelligence interest in airlines? Mr Orvis Nelson, an aviation veteran who worked with the CIA to set up Iran Air in the early 1950s, explains: "If I were sitting in a position where I was curious about what was going on in troubled areas, there are two things I would be damned well interested in. The first is information. The second is transportation to get in and out, to get any information and, perhaps, to do some other air activities. You have mobility. You know who and what are going in and out. You know who people's associates are. You are in a position to move your people about."

Mr Nelson, now 69, has set up 16 airlines in his time and has run his own supplemental carrier. Sometimes he has cooperated with the CIA — but vehemently states he has never been under the agency's control. He will not tell which of his airline deals involved the CIA. He does say, however, that US Government involvement in foreign airlines is as great as ever.

Some of America's commercial airlines have worked closely with the CIA in the past. A retired CIA official with 20 years' of field experience recalls: "When we wanted something from Pan Am, we went right to Juan Trippe" (the corporation's ex-chief). In Panama, the former official says, the agency had a deal with Pan Am in the mid-1950s under which CIA men could rummage through baggage during transit stops. The airline even provided them with mechanics overalls.

United Business Associates had other ways of getting information from foreign countries and planting agents in key places. An ex-employee remembers: "We were running companies all over the world as a management concern. We would hire and place a manager into a company, and he would then report back to us as far as the financial recorse were concerned. In turn, we would report back to the investor." The investor was the CIA.

Similarly, in recent years, the CIA has set up management consultant firms in the international energy field. An executive at one of Wall Street's most important investment banks confirms that certain consultant firms, with ties to US intelligence, win governmental and private contracts in the Middle East as management experts and use these positions to gather secret economic intelligence. The investment banker reports that this data is then passed on, at least in part, to American companies in a position to profit from it.

From the CIA's point of view, of course, the principal value of the proprietaries' penetration of international business comes from the knowledge and consequent leverage flowing back to the agency. It has gathered voluminous information on both Americans and foreigners — information which is preserved in orange cardboard folders, known as "201 files." The 201 file on the international stock manipulator, Mr Robert Vesco, for instance, is more than six inches thick. — Washington Post.

John Marks

NEW YORK TIMES
27 JUL 1976

Inquiry Is Said to Oppose Prosecuting C.I.A. Aides

By JOHN M. CREWDSON
Special to The New York Times

WASHINGTON, July 26—Justice Department lawyers investigating the Central Intelligence Agency's 20-year program of opening mail between the United States and Communist countries have recommended against the criminal prosecution of agency officials involved in the project, a Government official familiar with the investigaton said today.

The official said that the lawyers' recommendation, which has been forwarded to Attorney General Edward H. Levi for a final decision, was based on the conclusion that "a continuum of Presidential authority" had rendered the mail openings legal, despite Federal statutes that prohibit tampering with first-class mail inside the United States.

The Justice Department, the official said, has in its year-long examination "found evidence of Presidential knowledge" of the C.I.A. operation, code-named HT Lingual, which between 1953 and 1973 resulted in the opening of nearly 250,000 letters passing through postal facilities in New York City, San Francisco and elsewhere.

The Senate Select Committee on Intelligence, which issued a long report on domestic mail openings in April, said that it had found no documentary evidence that any President in the two decades in question had ever authorized the C.I.A. to open letters and photograph their contents.

The only President who might conceivably have been informed of such an effort, the committee said, is Lyndon B. Johnson, but it added that it had been unable to find any conclusive record that he had ever been advised of the project.

Richard M. Nixon, the only former President now living, told the Senate committee in a written response to questions that he did not recall ever having received information while President that the C.I.A. or any other Government agency was engaged in opening mail without the authority of a judicial warrant.

Asked how the Justice Department lawyers had squared their conclusion about the existence of continuing Presidential authority with Mr. Nixon's denial of any such knowledge, the official replied that the department had "looked at more than that [the denial] in "drafting its recommendation.

He declined, however, to characterize the additional evidence examined by the lawyers.

Mr. Nixon's purported ignorance of the C.I.A. mail-intercept program was a main point at the Senate committee's hearings, and the committee staff rebuked some of Mr. Nixons' aides for having advised him in 1970 that such coverage had been discontinued when it had not.

Although Mr. Levi has not yet decided whether to accept the recommendation of his criminal division lawyers not to prosecute those who took part in or had knowledge of the mail openings, the recommendation was believed to increase the likelihood that no C.I.A. employees will face criminal charges as a result of the various investigations of the agency's activities.

The criminal division, headed by Assistant Attorney General Richard L. Thornburgh, has been sifting evidence of C.I.A. wrongdoing assembled by President Ford's commission set up last year to look into the agency's domestic operations and material assembled by the Senate intelligence committee on some of its foreign activities.

Mr. Thornburgh has previously recommmended to Mr. Levi that no indictments be sought in the C.I.A.'s various plots in the early 1960's against the life of Prime Minister Fidel Castro of Cuba and of the late Congolese leader, Patrice Lumumba.

A third major aspect of the Justice Department's investigation has been the 1973 Senate testimony of Richard Helms, the former Director of Central Intelligence, that his agency had not tried to pass money secretly to opponents of Salvador Allende Gossens, the late Chilean President, and had not been involved in tracking domestic opponents of the Vietnam War.

Later Inquiries Cited

Subsequent investigations of the C.I.A. established, however, that the agency had financed some of Mr. Allende's Chilean opponents before his death in 1973, and that the agency's

Operation Chaos had led to its compilation o 10,000 files relating to antiwar protesters in this country.

But the Government official said that the Justice Department lawyers had encountered difficulty in establishing that Mr. Helms, in testifying before the Senate Foreign Relations Committee on his appointment as Ambassador to Iran, a post he still holds, had knowingly perjured himself.

Mr. Helms had told the committee, and other Congressional panels, different things at different times, the official said, adding that the odds that Mr. Helms would ever be confronted with a perjury charge were now "sixty-forty against."

The Justice Department is also investigating the C.I.A.'s involvement in some scattered instances of electronic eavesdropping in antiwar demonstrations here in May 1971.

But the official described the C.I.A.'s role in those surveillances, indicating that the agency had done no more than to supply eavesdropping equipment to various law-enforcement agencies. He added that it was no yet clear that the surveillances were illegal and suggested that the probability of any indictments arising from them were dim.

NEW YORK TIMES
4 AUG 1976

House Committee Votes On Certain C.I.A. Pensions

WASHINGTON, Aug. 3 (UPI) —The House Rules Committee approved today an amendment to the Central Intelligence Agency retirement law improving pensions for agents working abroad in situations "hazardous to life or health."

The amendment, approved earlier by the House Armed Services Committee, now goes to the floor for a full vote.

Besides the regular Civil Service retirement for the majority of C.I.A. employees there is a plan for a secret smaller group "whose duties either were in support of agency activies abroad, hazardous to life or health, or so specialized as to be clearly distinguishable from normal Government employment." Details are secret.

Los Angeles Times Thurs., July 29, 1976

Carter, Mondale Given Briefing by CIA Officials on World Affairs

BY KENNETH REICH
Times Political Writer

PLAINS, Ga.—Several Central Intelligence Agency officials, headed by Director George Bush, conducted an intelligence briefing on world affairs here Wednesday for Jimmy Carter and Walter F. Mondale, the Democratic presidential and vice presidential nominees.

After the party arrived at the grass airstrip here in two Army helicopters, Bush said he had orders from President Ford to give Carter and Mondale "a full briefing, not holding back on any item of intelligence."

Carter said he was particularly interested in intelligence information on the situations in Lebanon and the Middle East, Rhodesia, South Africa and South Korea, as well as relations among the United States, the Soviet Union and China. He has emphasized that he has reserved the right to criticize Administration foreign policies after the briefings.

Carter had asked Ford for briefings from CIA rather than State Department officials, because he said he considers the State Department to be part of the policy-making arm of the Ford Administration but that he sees the CIA as nonpolitical.

None of the participants in Wednesday's meeting would comment on specifics of the briefing—one of the series of discussions on issues that Carter and Mondale have been having here this week.

NEW YORK DAILY NEWS
29 July 1976

Bush Briefs Carter, Fritz on National Security

By JEROME CAHILL

Plains, Ga., July 28—CIA Director George Bush and a team of top U. S. intelligence experts flew here today on two Army helicopters to give a top-secret briefing on national security matters to Democratic presidential nominee Jimmy Carter and his running mate, Sen. Walter F. Mondale of Minnesota.

"The President has instructed me to give a full briefing, not holding back on any items of intelligence, and that's the way it will be," Bush said after his helicopter deposited him on a grassy airstrip three miles outside of Plains shortly before the session began this afternoon.

At Carter's request, the briefing concentrated on the strategic balance of power between the United States and the Soviet Union. Also covered were security issues relating to China, Lebanon, Rhodesia, the Middle East and South Korea. It will be followed by a second, more detailed briefing here in the second week of August.

Government intelligence briefing of presidential candidates have become a fixture of presidential campaigns in the postwar era and are designed to help non-incumbents lacking access to regular intelligence data from blundering into sensitive areas.

Quoting Yogi Berra's remark about having once made "the wrong mistake," Bush said that the more information a presidential candidate has on intelligence matters "the better it is."

"A Tough Business"

"Intelligence is a tough business, and it's just better to have our top people fully informed," Bush said. He said that the briefing would be "very detailed sticking on the main issues that he (Carter) is interested in."

The briefing took place at Carter's home on the outskirts of Plains, rather than at the Pond House, a cottage in the pine forest several miles outside of town, where Carter and Mondale have received other briefings this week on defense issues and the economy. Carter aides said that the shift had been made at the reuest of the CIA because Carter's home was easier to safeguard from electronic eavesdroppers.

In discussing the briefing last night with reporters, Carter said that he asked the CIA to deal only with secret information and to exclude any material that was already part of the public record.

Asked whether as President he would appoint a professional intelligence expert or a politician to the top CIA post, Carter replied that his inclination would be to select someone of stature, unquestioned integrity and recognized analytical ability. But he said that did not mean that the director had to be with the CIA for 25 years.

THE CHRISTIAN SCIENCE MONITOR
29 July 1976

Carter undecided on CIA choice

By the Associated Press

Plains, Georgia

Jimmy Carter says he has not decided whether he would replace George Bush as CIA director if he is elected president.

Mr. Bush was in Plains Wednesday to brief the Democratic presidential nominee and Sen. Walter Mondale, Carter's running mate, on national security matters.

Although Mr. Bush previously has been involved in Republican politics, he has "brought the CIA a good background as former United Nations ambassador and U.S. representative to China," Mr. Carter said.

WASHINGTON POST
30 JULY 1976

No Evidence Found of Plot to Kill Anderson

The Senate intelligence committee has found "no evidence of a plan to assassinate" syndicated columnist Jack Anderson, according to a supplementary report on foreign and military intelligence released by the committee.

The report said, however, that the committee did discover an effort in early 1972 by the Nixon White House "in consultation with a former CIA physician to explore means of drugging Anderson to discredit him by rendering him incoherent before a public appearance" on radio or television.

This finding conforms to statements made by former White House aide E. Howard Hunt Jr. following a report last year that Hunt had been ordered to assassinate Anderson.

After a report on the alleged assassination plan in The Washington Post on Sept. 21, 1975, Hunt said he was planning to drug Anderson not to kill him.

"It was just another wild idea that never got beyond the proposal stage," Hunt said after the article appeared.

Hunt said then, and later testified to the Senate committee, that the proposal to drug Anderson came from former White House special counsel Charles W. Colson.

Testifying about a meeting with Colson in late 1971 or early 1972, Hunt said of the drugging assignment: "Colson was normally a highly controlled individual . . . He was agitated when he called me in, sort of talking to me and rifling through paper on his desk, which was very much unlike him.

"And the inference I drew from that was that he had just had a conversation with the President. So when I accepted the assignment I assumed as I usually do with Colson that he was either reflecting the desires of the chief executive or else that he, as a prescient staff officer, was attempting to find a solution to a problem that was troubling his chief."

According to the Senate report, Colson testified that he "never heard anyone discuss any plan to kill Jack Anderson." Colson said he could not, however, "discount the possibility of having said something in jest."

In addition, Colson testified that he was asked "many times" by President Nixon to try to discredit Anderson.

The Senate document reiterated earlier reports that a former CIA physician, Dr. Edward M. Gunn, met with Hunt in 1972 to see if a mind-altering drug could be obtained.

They discussed various means of adminstering the drug, for example by painting the steering wheel of a car so the drug would be absorbed through the skin, according to the report.

This resembles the procedure in which one source for the Post story described the alleged assassination plan. The plan, according to the source, was to make sure the drug took effect when Anderson was driving to his suburban Maryland home.

Anderon has said that the story of drugging him does not make sense. "That's ridiculous . . . All my radio and my TV shows for that matter, are taped in advance; so, it wouldn't have worked," he said.

The Watergate Special Prosecutor's Office has investigated the alleged assassination plan for nearly a year, and an official there said the matter has not been closed, though there was little or no prospect of any criminal charges being brought from the investigation.

THE CHRISTIAN SCIENCE MONITOR
29 July 1976

Mirror of opinion

CIA burglaries abroad

Because of repeated revelations of burglaries and illegal spying by intelligence agencies, Americans may not be surprised to learn that the Central Intelligence Agency has bugged and burglarized the homes and offices of Americans abroad. Yet the latest disclosure adds to a shocking pile of evidence of the abuse of power and abuse of the Constitution.

The Socialist Workers Party, which is suing the CIA for damages for alleged illegal harassment, managed to obtain an affidavit as part of the suit from CIA Director George A. Bush. In it, Mr. Bush conceded the burglaries and electronic espionage against Americans in foreign countries, but gave no details, did not say whether the activities were continuing and contended, in a legal memorandum, that a separate classified statement contained state secrets that were exempt from disclosure.

This is another use of the argument for national security to hide illegal governmental actions. And the actions were illegal. The Constitution follows Americans abroad as far as operations of their own Government are concerned, and if domestic laws against burglary do not, then it must be noted that foreign countries also have laws against burglary, and their laws were broken. They will not be impressed by the CIA's claim of American security. Americans themselves ought to be distressed that they have not been safe from such tactics by their own Government, at home or abroad — St. Louis Post-Dispatch

WASHINGTON POST
30 JULY 1976

Intelligence Agencies Yield Files in Suit

NEW YORK, July 29 (AP)—The Central Intelligence Agency and the FBI have turned over 31,800 pages from their files to the Socialist Workers Party in the pretrial phase of a $37 million damage suit, the government said today.

However, U.S. District Court Judge Thomas Griesa renewed his objection that the CIA was censoring some of its data on the party on the grounds of national security. He repeated his request to examine unexpurgated CIA files in private.

"The question cannot be easily resolved, it needs time," replied Assistant U.S. attorney John Siffert. The CIA has admitted bugging SWP leaders during their trips abroad and making "surreptitious entries" into premises the travelers occupied.

NEW YORK TIMES
29 JULY 1976

Notes on People

In Miami, E. Howard Hunt filed a $2.5 million lawsuit yesterday against the New York publisher and the authors of a 1975 book that allegedly suggests he masterminded the assassination of President John F. Kennedy. Named in the Federal District Court suit are Michael Canfield of Silver Springs, Md. and Alan Weberman of New York, authors of "Coup d'Etat in America," and Joseph Opkapu, president of Third Press, 444 Central Park West. Mr. Hunt, a former C.I.A. agent, was convicted in connection with the Watergate burglary. He is imprisoned at the Federal Detention Center, Eglin, Fla.

His Miami lawyer, Ellis Rubin, said yesterday he hoped to subpoena some unreleased Warren Commission documents to rebut statements in which, he said, "the book erred"—that his client was in Dallas on the day President Kennedy was shot and that Mr. Hunt had headed a C.I.A. plot to kill him. In New York, Mr. Opkapu denied that the book contained such allegations. "Any publisher with any sense of the law would be crazy ot say that," he said.

THE TULSA WORLD (OKLAHOMA)
15 July 1976

Counter-Spy Trouble

REMEMBER COUNTER-SPY, the magazine blamed in part for the murder of a Central Intelligence Agency official in Greece last December? Here's some good news.

The magazine's staff has been split apart and disorganized by ideological bickering.

COUNTER-SPY first came to public attention after publishing the names of persons it claimed were CIA agents. One man so listed was RICHARD S. WELCH, top CIA executive in Greece, who was subsequently murdered by terrorists, possibly inspired by seeing his name in print.

Editors laughed off the WELCH murder and defended their exposure of U.S. intelligence operations on ideological grounds. Now the magazine may, hopefully, be put out of business by this same kind of quest for ideological purity.

Four of COUNTER-SPY'S seven staff members have quit and its office has been closed in a dispute over staff organization and other matters.

"Some people believed that a collective (staff organization) was still viable," a former employe explained. "But other people wanted to abandon the collective process and go into a more traditional, less democratic organization."

Another member, according to the WASHINGTON POST, reportedly accused other members of being police agents, antiCommunists, sexists and liberals.

It couldn't happen to nicer folks.

EDITOR & PUBLISHER
24 July 1976

Influencing the news

Director of the Central Intelligence Agency, George Bush, told representatives of the National News Council June 24 that no newsman affiliated in any way with an American news organization would be hired for any purpose by that agency. This applied to full-time employes, foreign nationals working for a U.S. news agency, stringers, and free lance writers. Any affiliate falling into these categories has been or would be terminated as a CIA employe, he said.

Furthermore, CIA will not use news reporting or journalism as a "cover" for any of its operatives.

We welcome this assurance after many months of statements from CIA director Bush that he "wouldn't" hire full-time or part-time correspondents and then a Senate Select Committee report that it was still being done. E&P on May 1 demanded CIA cut out the "double-talk."

Now, we will wait and see if it "sticks."

This proclivity of CIA to use journalists and a newsman's "cover" to cloak the work of its agents probably already has had a disastrous effect on the reputation of U.S. news services and their representatives abroad. It is partly responsible, undoubtedly, for the formation of a new propaganda network of official government press agencies just organized at a meeting in New Delhi.

It must be remembered, also, that the 58 developing countries that formed the pool of government press agencies, "to liberate their information and mass media from the colonial legacy," believe that only their own definition of "news" is correct and legitimate.

If this arrangement is adopted, as it probably will be, at a meeting of the heads of state of these third-world nations next month, it will inaugurate an era of rapid deterioration of what was once proudly called "world freedom of information." The authenticity of news from those nations will be greatly suspect. The "news" will be only the official version. Independent newsmen and news agencies will be restricted, and probably denied access to those countries.

The New Delhi proposal is right in line with that being considered at a UNESCO meeting in Costa Rica this week for establishment of a Latin American news agency composed of official government information (or propaganda) agencies.

Most of those nations involved in the New Delhi and the Costa Rica proposals have already suppressed the free press within their borders. Their people will be spoon-fed the official version of the news and their ruling parties, cliques, or juntas, will perpetuate themselves in power because of it.

NEW YORK TIMES
30 JULY 1976

Government of Laws?

High Government officials are often afflicted with strange advice, but one of the most bizarre submissions to a Cabinet officer in recent years must be the recommendation from Justice Department lawyers to Attorney General Levi that the Government not prosecute the Central Intelligence Agency officials responsible for "Operation HT Lingual." To those unfamiliar with the agency's secret lingo, "HT Lingual" is the code name for the C.I.A.'s 20-year program of opening mail in transit between the United States and Communist countries. Under Federal law, tampering with first-class mail in this country is a criminal offense; but under a theory concocted by Justice Department lawyers, "a continuum of Presidential authority" gave legality to the program, no matter what the law said.

This notion amounts to the assertion that Presidential knowledge of a crime is sufficient to revoke the operation of the law, or in other words, a crime is a crime except when a number of Presidents wink at it.

Not even Richard Nixon *in extremis* went that far. When the Supreme Court ruled that his claim of executive privilege was subordinate to the requirements of the criminal processes of the United States, he turned over tapes that he had clearly been advised would sink him. Indeed, it is hard to imagine any President making the power-grab that Justice Department lawyers are now upholding: that the Chief Executive had the authority to exercise secretly a power that has no basis in the Constitution or the law and that he would not have dared to claim publicly. Thus to place the President above the law is an unacceptable extension of the American constitutional system.

WASHINGTON OBSERVER.

NEWSLETTER

"It doesn't take a majority to make a rebellion; it takes only a few determined leaders and a sound cause." —H. L. MENCKEN

NUMBER 222 JULY 15, 1976

CIA PHOENIX

Has the controversial Central Intelligence Agency—the CIA—been reformed after the scandalous exposure in Congress of the cloak-and-dagger agency's illegal and often criminal activities? Not at all. Those unsavory activities are going on as usual, and include assassinations of political opponents.

The main locale of those assassinations currently is Argentina and the victims are, more often than not, the die-hard supporters of Maria Estela (Isabellita) Peron, the constitutionally elected President of Argentina. Mrs. Peron succeeded to the Presidency after the death of her husband, President Juan Domingo Peron. She had been elected Vice-President of Argentina on her husband's ticket.

Currently she is being held prisoner by the CIA-sponsored military junta in Buenos Aires, headed by General Jorge Videla, a CIA pet. The assassinations of the Latin politicoes which are now going on at a fast clip are carried out by the Videla regime, which the U.S. Government is financing with your tax money.

Most recent information to WO is that the CIA-sponsored military dictatorships of Argentina, Chile and Uruguay are cooperating in a CIA-instigated terror campaign against political refugees, Argentine dissidents and some 20,000 exiles who have sought shelter in Argentina while that country will still ruled by Presidents Juan Domingo and Maria Estela Peron.

Now, those refugees have nowhere to go, except to the bleak Falkland Islands off Argentine Patagonia, because the military regimes in contiguous Brazil, Bolivia and Peru are also under the CIA aegis. This kind of information, dramatic as it may be, of the current plight of the hot-headed Latin politicos, who have committed no crime and are being exterminated by goons bankrolled with your tax dollars, you will not find in the "responsible" news media. However, newspapers from Madrid, London and Stockholm often contain facts regarding what is going on in our own backyard.

"The sight was far from unusual in today's Argentina," reads a dispatch from Mats Holmberg, the South American correspondent of *Dagens Nyheter* of Stockholm (Monday, May 24, 1976):

> Four bodies in a car parked in the center of Buenos Aires, all of them with their hands tied behind their back and riddled with bullets. . . . William Whitelaw and his wife Rosario Barredo Whitelaw, from Uruguay, and two Uruguayan senators, Zelmar Michelini and Hector Guttierez Ruiz had been kidnapped in Buenos Aires by armed men who showed official documents indicating they were Government police officers. The four people were taken away in broad daylight and amid a wild uproar, with street crowds watching as the three men shouted in protest. Senora Whitelaw cried for help and her three children—4-year old Gabriela, 16 months old Maria Victoria and 2 months old Maximo—just cried. The public apparently knew it was a Government operation and did not intervene as the four adults and the three infants were abducted. The authorities waited for two days before acknowledging the discovery of the four adult abductees. . . . The official note was mum about the abduction of the three Whitelaw children —and about their fate. Military sources privately indicate that the four were done away by special naval "commandos"—Argentine Navy personnel who have been especially selected by the regime of General Jorge Videla to liquidate political opponents and their most dangerous supporters. . . .

WO readers should not mistakenly conclude that CIA projects have anything whatsoever to do with the national interest or whether their targets are communist, non-communist, anti-communist, right-wing, left-wing, conservative, socialist, monarchist or whatever. The aim of the CIA is simply and consistently to do what is in the best interests of the international banks and multi-national corporations—with particular reference to the securing of the oil and mineral resources of the world.

Take the situation in Argentina, for example. The issue there is primarily the vast oil deposits lying off the coast. The Peronist regime did not want to turn the exploitation of this national resource over to Rockefeller.

Shortly after the accession to power of the Videla regime, it was quietly announced that Exxon—the flagship of the multinational Rockefeller operations—would be permitted to return to Argentina from whence it was thrown out by General Peron in 1974. And the regime also announced that the multinational oil companies will shortly be invited to explore the vast oil deposits off the Argentina continental shelf.

According to a U.S. Geological Survey report, there are 200 billion barrels of oil in these offshore deposits, more than the reserves in Saudi Arabia. This does not include the oil in continental Argentina or the possibly even larger deposits around the Falkland Islands.

WASHINGTON STAR
27 JUL 1976

Leaking From CIA to the Hill to The Times

United Press International

A former researcher for the House Intelligence Committee says she copied a sensitive CIA memo and passed it on to the panel although she was warned not to mention names.

Sandra A. Zeune, researcher for the defunct House intelligence panel, testified yesterday before the House Ethics Committee which is investigating the leak of a secret intelligence report to CBS correspondent Daniel Schorr.

While being questioned, she brought up what is known as the "Jackson memo."

MISS ZEUNE said she by chance came across the 1973 memo, which concerned advice Sen. Henry A. Jackson, D-Wash., gave to the agency, while going through classified documents at the CIA's Langley headquarters.

She said she made an almost verbatim handwritten copy, memorized the names and turned it over to the Intelligence Committee staff which, she said, was trying to develop evidence of congressional protection of the CIA.

The memo, purportedly written by a CIA official, described a Feb. 3, 1973, meeting with Jackson.

THE CIA at the time feared exposure of its covert activities in Chile and expected to be called by a Senate Foreign Relations subcommittee which was questioning the International Telephone and Telegraph Co. about alleged links with the agency in South America.

Jackson, according to the memo, advised the CIA to protect itself by having inquiries transferred to another committee with a more benign view of CIA activities.

After the story was leaked and published by The New York Times, Jackson denied suggestions he was trying to cover up for the CIA. All he did, he said, was give official advice on "procedural matters."

WASHINGTON POST
28 JUL 1976

CIA Denies Leak to Schorr

Associated Press

The CIA did not leak a copy of the House Intelligence Committee report to CBS reporter Daniel Schorr, CIA counsel Mitchell Rogovin testified yesterday.

A careful examination of the committee reports given to the CIA and the version of the report furnished by Schorr for publication in The Village Voice showed "significant differences," Rogovin told the House ethics committee investigating the leak.

Rogovin said he and other CIA persons had been given a copy of a Jan. 19 draft of the report by the committee staff but the same staff refused him a copy of the final Jan. 23 draft report. He later got a copy from a committee member, Rep. Les Aspin (D-Wis.).

WASHINGTON STAR
30 JUL 1976

Did the CIA Leak Report To Schorr?

United Press International

Rep. James Stanton, D-Ohio, has testified that Daniel Schorr told him he got his copy of a secret House intelligence report from the CIA.

The intelligence agency immediately denied it leaked the report to Schorr, the CBS reporter who gave the document to a newspaper.

Appearing under oath yesterday at House Ethics Committee hearings, Stanton was the first witness to offer testimony, in public, on who might have given Schorr the House Intelligence Committee report. He said he could not tell whether Schorr was joking.

"HE SAID HE received it from the CIA," Stanton testified. "Whether he was serious or not, I don't know. He said that if it was reported he would deny it. I didn't give it much credence."

After Stanton's testimony, a CIA spokesman told UPI: "the CIA denies it and will continue to deny it."

Schorr has refused to say where or how he got the report.

The Ethics Committee is in the final phases of a fourth-month, $150,000 investigation into the source of Schorr's leak. The House voted earlier this year to suppress the controversial intelligence report until President Ford could censor it.

Schorr got a copy from a source he refuses to identify and passed it to the Village Voice newspaper of New York, which published much of it verbatim.

OTHER WITNESSES have testified they suspected the CIA gave Schorr the report in an effort to discredit the Intelligence Committee's work, but Stanton was the first to report information attributed to Schorr himself.

Under questioning by Ethics Committee counsel John Marshall, he said Schorr raised the subject himself during a casual conversation in the House Speaker's Lobby sometime in February.

"He indicated on that occasion he had received the report from the CIA, and he volunteered this," Stanton said. "I was surprised."

He said Schorr did not say who in the CIA allegedly gave him the report. The congressman said he did not ask and never again discussed the matter with Schorr.

LATER, REPORTERS asked Stanton whether he thought Schorr was being serious when he volunteered to disclose the source of the leak — a secret that has rankled Congress and fueled Washington gossip for months.

"I never know when he's serious," Stanton replied.

Another witness, former Intelligence Committee counsel Aaron Donner, said it was "unfair" to keep staff members of the now-defunct intelligence panel under suspicion when the committee could ask Schorr himself who the source of the leak was.

Ethics committee investigators have said, however, that the reporter's lawyers advised them Schorr will not identify his source even if subpoenaed and questioned under oath.

WASHINGTON STAR
23 JUL 1976

White House Held Lax With Spy Report

Unauthorized Access Rampant, Hill Aide Says

United Press International

The staff director of the House Intelligence Committee has testified that unauthorized White House personnel, among many others, had access to the supposedly secret intelligence report that eventually leaked to the press.

"I know of friends in the White House who had absolutely nothing to do with intelligence who saw it," A. Searle Field told House investigators yesterday. The Ethics Committee investigators are trying to determine who leaked the report to CBS reporter Daniel Schorr.

"Who were they?" counsel John Marshal asked Field.

"I'LL TELL YOU in executive (closed) session," Field replied.

Field, who ran the staff of the now-defunct intelligence panel, was the 11th witness to testify in the final phase of the four-months-long, $150,000 Ethics Committee probe. He denied he leaked the report and said he does not know who did.

The Intelligence Committee earlier this year completed its probe of CIA covert activities with a report filled with classified information and severely critical of U.S. spy operations. The House voted to keep the report secret until President Ford could censor it.

Schorr got a copy from a source he refuses to identify and gave it to the New York newspaper Village Voice, which published much of it verbatim.

Field made his comment about White House personnel to illustrate his claim — supported by several

previous witnesses — that copies of the report circulated throughout Washington and could have reached Schorr in many ways.

FIELD SUSPECTS the leak came from someone in the executive branch and possibly the CIA itself, he said.

Marshal asked Field to describe the exterior of the Washington house he occupied during the intelligence investigations. After Field, looking puzzled, did so, Marshal asked:

"Did Miss Susan Parker come to your residence Feb. 6?"

"I never heard the name," Field replied.

Asked whether he gave a draft of the report to Miss Parker, Field said, "Absolutely not. I did not provide a copy of the report to anybody."

David Bowers, the Ethics Committee's director of investigation, had identified Miss Parker on Monday as secretary to Clay Felker, editor-in chief of the Village Voice. Bowers said Felker sent Miss Parker to Washington on Feb. 6 to get the Schorr copy.

"She went to an unrecalled address where she picked up a package from a maid and returned to New York by shuttle flight . . . aware the package contained a copy of the Select Commmittee report," Bowers had said Monday.

DURING the afternoon session yesterday, Field took exception to an Ethics Committee investigator's report that the intelligence panel had lax security standards.

"We had better security than the CIA and FBI," he said. "I was not impressed by the FBI and CIA staffers who we worked with. They were incredibly sloppy."

He said agents would walk up to him in the House corridors, ask someone to identify him and "give me a bunch of classified documents."

He said his staff handled 75,000 classified documents and evey one was accounted for and returned to the CIA and other agencies that supplied them.

The Ethics Committee adjourned its probe until Monday morning.

THE NATION
JULY 31 - AUGUST 7, 1976

EDITORIALS

'Intelligence' Forever

The unpleasant likelihood that the famous "leak" of the suppressed House Select Committee on Intelligence report came from the executive, rather than the legislative, branch of our government has been vastly strengthened in recent days. The theory that this might be so is not new. As I.F. Stone and others, including this magazine, have observed, the leak perfectly served the ends of the CIA.

There has been so much leaking, counter-leaking, obfuscation, incompetence and plain lying about this affair that it is worth rehearsing the bare facts of the case before making a judgment on the latest developments. It will be recalled that, in Watergate's wake, Congress blossomed with righteous indignation at the abuses of the "intelligence community" which peeped out from under all the attempted cover-ups. The Congressional pose was that it never knew about all these scandalous activities by the imperial spies, even though several members of both houses had all the access to the essential information that they needed—all they lacked was the will to do something about it.

There came a proliferation of committees to probe and pry and tell all. One of them was the House Select Committee on Intelligence, headed by Rep. Otis Pike (D., N.Y.). The Pike committee spent months on the job, not to mention $1 million, and finally came up with a report. This committee was more free-swinging and less "statesmanlike" than its sober-sided Senate equivalent, headed by Sen. Frank Church (D., Idaho). In its rather brawling way, it poked into darker corners of the spy world than the Church group felt comfortable doing. Whereas Church and his colleagues worked hand in glove with the executive departments to produce a "responsible" reformist report (shocking as even that was), the Pike committee took an adversary stance almost from the start.

Bit by bit, it managed to extract nuggets of information on the blacker arts of spying, domestic and foreign, as practiced by the CIA and the FBI, among other agencies of the United States. The agencies dragged their feet, of course, resisting with all their considerable might the quite reasonable requests for enlightenment that came from the Pike committee. At last the committee produced a report, or rather several versions of a report, based on the scraps of information it had been able to wheedle and force out of the spy agencies.

From the CIA's standpoint, after all the battles over classification were done, the worst thing about the Pike report was the picture of bumbling ineffectiveness which emerged. The illegalities and outrageous subversions of constitutional government that were writ large in it they could live with. They could not bear to be portrayed as amateurs, and grossly incompetent ones at that.

And so the Central Intelligence Agency conspired (not too strong a word) with the rest of the executive branch and with its friends in Congress to have the Pike committee report suppressed. All this, of course, was in the interests of "national security" and of an "effective, responsible intelligence system." It was the ultimate cover-up. Incredibly, the House went along with it. The full House voted to overrule the Pike committee decision to make the report public. Naturally, that did not work. Too many people knew what was in the report. Too many copies of the various versions of it were floating around Washington like confetti. There was too much curiosity about it and too many people with motives for telling all.

Inevitably, the report got into the hands of journalists, including Daniel Schorr of CBS News, and they quickly reported the substance of it. These revelations brought on a storm of protest from the executive branch, which pictured itself as unable to conduct the business of this country abroad if an "irresponsible" Congress could not be trusted with the secrets necessary to our survival as a nation. And so on. At last Schorr found himself apparently in sole possession of a copy of this hot potato. Rather than burn or bury it, or hide it in his chimney, Schorr took on himself the responsibility to decide, contrary to the cowardly vote in the House, that the document should be made public, and it was (improbably, in New York's *Village Voice*).

The House, offended and made to look ridiculous, decided to do something about this ultimate leak. It has spent four months and $150,000 trying to find out where Schorr got his copy. Quite properly, Schorr and the other reporters who at one time or another had the document in their hands are refusing to reveal their sources (and CBS, which has suspended Schorr from all reporting, is supporting him in that position). It seems increasingly doubtful that the House investigating committee will ever solve the mystery.

We now come full circle back to the question of who had a motive for letting the report out and thus tarnishing Congress with the reputation for being a bunch of blabbermouths who can't be trusted with the nation's secrets. Along comes Rep. Les Aspin (D., Wis.) with the revelation, or admission, that he gave a copy of the final Pike committee report to the CIA. Aspin says that, after all, the information in the report came from the intelligence agencies, and he adds the curious, but probably accurate, statement that what he did "was not done with authority (from Congress) and it was not done without authority."

We are left with the mystery almost intact. We now

know where the CIA's copy of the final report came from. We can speculate all we want on the devious motivations of this agency, which had every reason to discredit Congress for trying to uncover its operations at home and abroad. We may never know what actually happened.

The one clear conclusion, and it has been evident from the start, is that the executive branch, led by a succession of Presidents, has used the power of the information which it alone controls to enhance Presidential power.

The best way to do that is to discredit the only part of our government which, if it had the intelligence, will and nerve to do it, could bring an overwhelming Presidency back into a proper balance with the legislature in our system of government. The recent developments in the Schorr case give little reason for optimism.

WASHINGTON STAR
23 JUL 1976

New Battle Drawn on Disclosure Of National Security Documents

By David Pike
Washington Star Staff Writer

A second historic battle has been drawn between the Congress and the President over "national security" documents — this time over a subpoena by the House Commerce oversight subcommittee to the American Telephone & Telegraph Co. for records of so-called national security wiretaps it has conducted for the government.

The June 22 subpoena orders AT&T to turn over the documents to the subcommittee this morning. But late yesterday Justice Department attorneys, at the personal behest of President Ford, persuaded U.S. District Judge Oliver Gasch to issue a temporary order blocking the subpoena pending a full hearing Wendesday.

However, the subcommittee's counsel, Michael Lemov, told Gasch that the order "will not affect Congress."

LEMOV ASSERTED that AT&T representatives still must appear before the subcommittee today, adding: "The (order) will not bind Congress in exercising its legislative powers under Article I of the Constitution. It is up to the committee to decide what to do next."

The 11th-hour restraining order was requested by Rex E. Lee, an assistant attorney general in charge of the Justice Department's Civil Division, at the request of Ford, who is invoking "executive privilege" against any release of the documents.

Ford is contending that to do so would "risk disclosure of extremely sensitive foreign intelligence and counterintelligence information that would be damaging to the national security."

Lee told Gasch that this was a "rare case, only the second time in history where the president has asserted executive privilege in the subpoena of documents by the Congress."

The first instance, he noted later, was the battle by Senate and House committees investigating the Watergate scandal to obtain President Richard Nixon's White House tapes.

THE CURRENT court action follows weeks of unsuccessful negotiations between the White House and the subcommittee chairman, Rep. John E. Moss, D-Calif., in an effort to resolve the problem. Moss had noted that only two days after the subpoena was issued, he was visited by two of Ford's closest advisers — Philip W. Buchen, counsel to the President, and John O. Marsh Jr., counselor to the President — and by Lee.

Moss agreed to discuss ways of eliminating "genuine" national security problems, but no resolution was reached. The purpose of the investigation is to determine the extent of illegal wiretapping done by telephone companies at the request of law enforcement and intelligence agencies.

The subcommittee wants to find out how wiretapping may be violating provisions of a federal law designed to guarantee privacy in all communications, whether by wire or radio.

THE SUBPOENA to AT&T seeks the government "request letters" sent to the company for special lines, letters that list the addresses and telephone numbers of the surveillance targets and the location of the FBI field offices where calls are monitored.

Ford, in a letter sent yesterday to Moss, said, "I fully understand your desire for some procedure by which you can obtain information relevant to your inquiry," but that the subpoena presented "unacceptable risks" to national security.

He presented as an alternative a plan under which the FBI would separate documents held by AT&T relating to domestic telephone surveillance from those dealing with foreign intelligence surveillance and provide the former to the subcommittee.

Under Ford's offer, foreign intelligence documents from any two years also could be obtained by the subcommittee, but they would be "edited" to delete "names, addresses, line or telephone numbers and other information which would disclose targets of the surveillances, sources of information about the targets, and methods of surveillance." The documents would disclose, however, whether the targets were U.S. citizens.

LEE ARGUED before Gasch that if the unedited letters were sent to the subcommittee, the surveillance targets would become known.

Lee contended in papers filed with the court that such disclosures "would terminate various intelligence and counterintelligence programs, would identify and endanger informants and double agents currently supplying intelligence and counterintelligence information to the United States, would reveal the technical capabilities of the United States in obtaining such intelligence information, would eliminate valuable sources of information important to the national defense and national security and would severely hamper the conduct of our relations with foreign powers."

The Justice Department official argued that the Supreme Court in the Nixon tapes case noted the special need to defer to executive privilege in national security matters, especially where alternative methods of obtaining the information were available.

HE ADDED that this case was unique because the documents sought were in the possession of a private company and not the government.

"The government must rely on private industry for many needs, such as defense equipment, since it does not have the capability to provide the material itself."

NEW YORK TIMES
30 JUL 1976

U.S. Cites 'Harm' of Pentagon Papers

By RICHARD HALLORAN
Special to The New York Times

WASHINGTON, July 29 — Senior United States officials cited three specific instances of what they characterized as harm to the nation's security in 1971 caused by the publication of the Pentagon Papers, according to previously confidential court documents.

The officials asserted that they had lost a contact in Hanoi, that the Canadian Government had expressed concern and that the Prime Minister of Australia had found the disclosures "appalling."

The court documents, made public by the Justice Department in response to demands submitted under the Freedom of Information Act, indicate that the balance of the Government's plea to halt further publication of the secret history of the Vietnam war was based on speculation over potential rather than actual, damage.

A brief written by Erwin N. Griswold, who was the Solicitor General in 1971, contended that continued publication of the papers "could have the effect of causing immediate and irreparable harm to the security of the United States."

Gesell Hearing Involved

The New York Times started publishing the secret history on June 13, 1971, and was restrained from publication by a temporary injunction imposed on June 15 by the Federal District Court in New York. The Washington Post began publication of the papers on June 18 and was restrained that same day.

The documents just released pertain to a secret meeting before Judge Gerhard Gesell on whether the Washington Post injunction should be permanent. Shortly afterward, the Supreme Cour ruled against restraining publication of the papers.

In the private hearing Dennis J. Doolin, then a Deputy Assistant Secretary of Defense concerned with American prisoners in North Vietnam, testified that publication of the papers had hurt his efforts on the prisoners' behalf.

Mr. Doolin said, addressing the judge:

"I can say, sir, that I have lost the one contact that I personally had in Hanoi. It dried up last week." Mr. Doolin did not identify the contact, even by nationality, but said that "I had a private relationship with him, and he does not feel with certain items that have been in the press that he can talk to me any longer."

Concern in Canada

William B. Macomber, the Deputy Undersecretary of State for Administration, testified in an affidavit that Canadian officials had called in the American Ambasador. The officials, he said, "expressed concern over impresions created in Canada" that the Ottawa Government was "either a rogue or a fool" for helping the United States to search for peace in Vietnam.

Mr. Macomber also testified personally that the 1971 Prime Minister of Australia, William MacMahon — whom Mr. Macomber did not name had let the United States know privately that he found the disclosures "appalling."

Mr. Macomber's affidavit, however, quoted a telegram from the American Embassy in Canberra that said that Australian officials "have not said so, but we expect for some time to come they will be more than normally cautious in discussions with U. S. officials."

State Dept. Asked Feelers

The State Department had sent a telegram to all embassies asking for reactions from host governments and the independent assessment of American ambassadors. In his affidavit, Mr. Macomber quoted from several, contending that continued publication of the papers could jeopardize national security.

But in later testimony before the judge Mr. Macomber acknowledged that other telegrams, not mentioned in his affidavit, had said that "it was too early to tell."

"Occasionally," he went on, "some would say 'We will get along all right.' There was a spectrum of them."

WASHINGTON POST
29 JUL 1976

FBI Accused in Break-In

By Warren Brown
Washington Post Staff Writer

The Justice Department is investigating charges that a paid FBI informer burglarized Socialist Workers Party offices in Denver on July 7 in connection with his assignment to spy on the left-wing organization.

Assistant Attorney General J. Stanley Pottinger said yesterday that the department's Civil Rights Division is looking into the allegations "as part of an ongoing investigation" into charges that bureau agents conducted illegal break-ins during the last five years, long after the FBI said such burglaries had ended.

In an action related to the case, U.S. District Court Judge Thomas P. Griesa ruled yesterday that SWP lawyers could go to Denver with a subpoena demanding that the reported informer, Timothy J. Redfearn, give a deposition Friday on his alleged role in the burglary.

The Socialist Workers Party has also asked that Theodore Rosack, the FBI agent in charge in Denver, give a deposition in the case.

The SWP has filed a $37 million civil damage suit against the federal government alleging that the FBI, CIA and other intelligence agencies sought to harass the party through break-ins, electronic surveillance and infiltration by informers.

In another action yesterday regarding the suit, filed in New York City, Judge Griesa asked the CIA to turn over to him all unexpurgated documents relating to overseas surveillance of the party's members.

CIA Director George Bush said in a sworn statement made public nearly two weeks ago that the CIA had overseas surveillance files on SWP members. However, Bush said the agency could not provide the court with complete files because of national security considerations.

Griesa said yesterday that the documents given to him by the CIA were, in some cases, "90 per cent deleted," making it "very hard to deal intelligently" with the issues in the SWIP suit.

FBI officials in Denver and at the agency's national headquarters in the District of Columbia refused to comment on the charges involving Redfearn. Redfearn, in a telephone conversation Tuesday declined to discuss the SWP burglary.

According to Denver party coordinator Ruth Getts, Redfearn admitted to her and several other party members that he received about $400 monthly for seven months to spy on the Denver branch of the Young Socialist Alliance, the party's youth arm. Getts said Redfearn made the admission following the appearance of Denver media stories identifying him as the suspected burglar of the SWP headquarters.

Denver Police Chief Arthur Dill said yesterday that Redfearn was linked to the SWP burglary—in which the party's membership, phone and meeting files were taken—after being arrested July 14 in connection with another burglary that occurred in late June.

Dill said Redfearn was picked up on a warrant July 14 after returning to Denver from Texas. "He [Redfearn] signed a search waiver and we went to his place and found a couple of items from the first burglary," Dill said.

Dill said the FBI called the Denver police later that day to say that the bureau believed Redfearn also possessed items taken in the SWP burglary.

The police chief said he "didn't get into" the question of why the FBI believed Redfearn had materials stolen from the SWP. He said Denver police made a second search of Redfearn's apartment building where, Dill said, the SWP files were found in several cartons in a storage area.

BAKERSFIELD, CAL.
CALIFORNIAN
JUL 8 1976

Probers omitted vital facts

The Justice Department's investigation of the FBI's "black bag" capers, which went on long after they were supposedly stopped, raises further questions about the nation's chief law enforcement agency. That is bad enough, on top of all the disclosures about the workings of the intelligence apparatus.

But there is more. In yet another report the Senate Intelligence Committee brings us further cause for concern. We are told that both CIA and FBI agents were officially steered away from anything but the Oswald-alone-did-it scenario for the John F. Kennedy assassination.

That scenario may be the correct one. Even the Senate committee, while spotlighting flaws in the investigative process, acknowledges not having found evidence "sufficient to justify a conclusion that there was a conspiracy to assassinate President Kennedy."

But reflect on this statement regarding

the FBI: "Almost immediately after the assassination, Director Hoover, the Justice Department and the White House 'exerted pressure' on senior bureau officials to complete their investigation and issue a factual report supporting the conclusion that Oswald was the lone assassin." This statement is bolstered by supportive data.

The Senate panel also elaborates on the apparent fact that the Warren Commission was not told of CIA plotting to kill Cuban Premier Fidel Castro. The report says senior officials of both the CIA and FBI "directed their subordinates to conduct an investigation without telling them of these vital facts" (about the attempts on Castro's life, which may have brought a Cuban counteraction).

The committee sent its files to the new permanent Senate Intelligence Committee and urged a further probe. This should be undertaken without delay.

NEW YORK TIMES
3 AUG 1975

Now That The Mighty Hath Fallen

By Tom Wicker

Not even the Central Intelligence Agency in all its travail has undergone a more precipitous drop in public repute than the once untouchable Federal Bureau of Investigation. Merely to summarize the bureau's various troubles is becoming difficult:

¶Internally, investigations are going forward of allegations concerning misuse of the agents' recreation fund, malfeasance in the purchase of supplies and equipment, misappropriation of bureau equipment, misuse of a confidential fund to pay informers, and improprieties in the management of an $18 million annual insurance program covering agents and ex-agents.

¶A suit by the Socialist Workers' Party has resulted in continuing disclosures of illegal F.B.I. burglaries and other crimes; knowledge of the more recent of these was withheld from Clarence M. Kelley, the current F.B.I. director; and when Mr. Kelley did become aware of those burglaries, the information for some reason was not transmitted to the Senate Intelligence Committee, which was then investigating the bureau.

¶Richard G. Held, just appointed by Mr. Kelley as his top deputy, has had to acknowledge a responsibility for a program of disruptive tactics against political dissidents when he headed the Minneapolis F.B.I. office in the late 1960's and early 1970's—part of the much wider Cointel program recently detailed by Congressional investigators.

'Merely to summarize the F.B.I.'s troubles is becoming difficult.'

All of this has followed the forced resignation of L. Patrick Gray 3d as Bureau director, for complicity in the Watergate cover-up, and further Congressional disclosures concerning the F.B.I.'s campaign to discredit Dr. Martin Luther King Jr., its inadequate investigation of President Kennedy's assassination, and its frequent use for secret political purposes by Presidents going back to Franklin Roosevelt.

Various investigations are going forward within the Justice Department, and apparently are being pushed with more zeal than is usually the case when one bureaucracy investigates another. But even without such inquiries, at least three reasons why the F.B.I. accumulated so much dirty linen over its "untouchable" years can be discerned.

The first, of course, is the long tenure and the sanctified status attained by J. Edgar Hoover in his unparalleled half a century as F.B.I. director—owing as much to his bureaucratic and public relations mastery as to his control of the F.B.I. files of secret and personal information.

This prime fact led directly to a second—that in the Hoover years there was literally no Congressional oversight of the F.B.I. Its budget requests at one time were not even subjected to line-by-line analysis, but simply approved without question.

The F.B.I., moreover, has semi-autonomous status. Technically, it is an arm of the Justice Department and subordinated to the Attorney General, but in practice the latter official cannot conceivably control or even monitor all F.B.I. activities. One inevitable result is that a direct line of authority runs informally from any President to the F.B.I. director, opening up—as Watergate showed—all sorts of dubious possibilities.

To some extent, these problems have been dealt with by exposure of past excesses, by the law requiring a nominee for the director's job to be confirmed by the Senate, and by new Congressional arrangements that theoretically subject the bureau to more stringent oversight, both as to its budget and its operations. A single, fixed term of eight years or less for a director was recommended by the Intelligence Committee; and whoever appoints Mr. Kelley's successor probably would do well to nominate a total outsider with authority enough to dominate the bureau's old-boy network and Hoover traditionalists.

Administrative responsibility for the F.B.I. seems more troublesome. Giving greater authority over the bureau to the Department of Justice, as recommended by the Intelligence Committee, may be sufficient in the bureau's present shattered condition, and with an attorney general of Edward Levi's stature in the Ford Administration. In other administrations and with a more pliable attorney general, however, that course could give a President even greater ability to make the F.B.I. his political instrument. Circumstances are easily imaginable, in fact, where the F.B.I. ought to be free to investigate the Justice Department or the President himself without administrative inhibition.

What may really be needed is less, not more Presidential control—which can too easily become political direction—over the Government's most powerful investigative arm. But if so, where is administrative responsibility for the F.B.I. to be lodged?

U.S. NEWS & WORLD REPORT, Aug. 9, 1976

SPECIAL REPORT

In Next Decade—BREAKUP OF COMMUNIST WORLD?

Steady disintegration lies ahead for the international Communist movement, already fractured by the split between Russia and China. That split will persist, whoever comes to power in Peking and Moscow.

Western Europe's Communist parties, in or out of government, will hold Moscow more and more at arm's length and support NATO for self-protection. Uneasy Soviet domination of Eastern Europe will be maintained through the 1980s only by the continued presence of a big army of occupation.

That is the picture that emerges from a sweeping three-hour briefing by senior Government analysts for editors of *U.S. News & World Report*—an authoritative look at the world in which the U.S. must operate during the next decade.

Among other key conclusions:

A new global order. It will come after five to 10 years of "great uncertainty," with this country still capable of restraining Soviet ambitions and limiting international conflict.

Spread of nuclear weapons. As many as 20 nations may join the "nuclear club," but odds are that these weapons will not be used in this century, except possibly by a terrorist gang bent on blackmail.

Soviet-American détente. A major change will take place in Russian leadership, but the aims of Kremlin foreign policy will remain the same through the 1980s: co-operation with the U.S. to gain economic, political and military advantages, combined with controlled rivalry to expand Moscow's influence.

Third world. It will be the weakness, not the strength, of developing countries that will worry Washington. These nations, dependent on the U.S. for food, technology and peace, will have little success in an attempt to blackmail America with commodity cartels or embargoes.

What follows are details given by the panel of analysts who specialize in political, economic and strategic affairs.

RUSSIA vs. CHINA: *An Unending Conflict*

A continuing struggle is foreseen between Russia and China—one that the U.S. will be able to exploit to gain leverage with both Communist powers. Some improvement in relations between Moscow and Peking is anticipated after Mao Tse-tung passes from the scene. But:

"We see the conflict as a problem that is really not going to be solved. There are too many things separating these countries, too many elements working at cross-purposes. I don't think they will ever get back to where they were in the '50s when they had a Sino-Soviet friendship treaty, thousands of Soviet technicians in China and other close ties like that."

The analysts note this suprising feature of the Sino-Soviet conflict: China is "an extremely underdeveloped country with modest power, and that is not going to change in the near future." Yet, the Russians, with all their power, are more apprehensive about China than vice versa.

In fact, a "grand paranoia" is noted in Moscow concerning the Chinese and the 4,500-mile border that separates the two countries. One specialist puts it this way: "The Soviets don't understand the Chinese. They don't know what they're up to. They just can't fit them in. The old-time Soviet leaders are worried about the Chinese constantly."

Another expert expresses the view that, "on an emotional level, China is probably a far greater concern to Soviet leaders than the fear of an American nuclear attack against the Soviet Union."

The meaning of all this for the U.S.? From a specialist in international politics: "The mutual fear and distrust that the Soviet Union and China harbor toward each other will keep them sufficiently apart so that the U.S. can operate as a kind of catalytic element between the two."

In short, American planners reckon that the triangular Moscow-Peking-Washington relationship that is a cornerstone of U.S. foreign policy will continue for the foreseeable future with no real reconciliation between the two Communist powers.

EURO-COMMUNISM: *How Dangerous for West?*

The analysts are in sharp disagreement with Secretary of State Henry Kissinger over the rise of Euro-Communism.

Mr. Kissinger has warned that the participation of Communists in the government of a major Western European country would be disastrous for the North Atlantic Treaty Organization.

Not so, according to the panel of official experts. They say that if Communists gain a role in the Italian Government, for example, they will want to preserve the Alliance for their own self-protection, no matter what headaches they create for their non-Communist allies. In the words of the panel's political specialist:

"National interest will dominate, whether there are Communists in the Government or not. I don't see any disintegration of NATO, not to the extent that it can be exploited by the Warsaw Pact. I'm inclined to think that the Communists in Western Europe—say, in an Italian Government—will want some sort of pact with the West, with the U.S. in particular, as a deterrent to any Soviet threat to overrun their country."

The breakup of a Communist world under Soviet domination will be accelerated by the rise of national Communism in Western Europe. Thus: "If the Communists do come into power in Western Europe, you will have a different brand of Communism than you have in the Soviet Union, just as you already have a different brand in China, Yugoslavia, Vietnam and North Korea. I don't think the Soviets will dominate the Italian or French Communists in office any more than they dominate them now."

In fact, the case is made that the Russians will be happy to maintain the *status quo* in Europe. They are doing well in their dealings with the existing non-Communist governments in Italy and France and don't necessarily see any immediate advantage in having Communists share power in these countries, especially Communists that they do not completely control.

A Soviet foreign-policy specialist goes further: "The Russians have no particular desire to break up NATO. Because of paranoia among the leaders about the dangers of a reunited Germany, they regard NATO as a highly desirable organism for the Soviet Union."

Growing Western European Communist defiance of the Kremlin raises questions about Russia's future hold over Eastern Europe. Recent riots in Poland dramatized the dangerous pressures that can boil up in these countries. The

experts say that the Soviet leaders can maintain their grip over Eastern Europe during the decade ahead only with the presence of a strong army of occupation. That force currently numbers 31 divisions.

RUSSIA vs. U.S.: *Return to Cold War?*

Looking ahead into the 1980s, no change is foreseen in current Soviet policy that would reignite the cold war.

Rivalry between the superpowers will continue. Both will engage in probing operations. And there is always the danger of miscalculation in a crisis involving "client states." But, on balance, the experts are reasonably confident that Soviet-American détente will remain a central feature of the international landscape well into the future.

From a specialist on Soviet foreign policy: "Over all, I see nothing that makes me fear that the Soviet Union is going to change course and take a different direction in relations with the U.S. I think the Russian leadership considers that things are going pretty much their way now. Despite temporary setbacks, such as their harvest failure, they see a fair number of successes in the world and, as they view it, 'the correlation of forces' seems to be moving in their favor."

The crucial question: Can Moscow get political mileage out of its growing military power? A strategic expert says that there is a widespread perception that Soviet military power is greater than America's. And, in his view, that perception is at least partly accurate: "The good old days of 10 years ago when we clearly were on top are over. The parity or superiority question is iffy, depending on the subject or the area you want to pick. But it's no longer so clear-cut."

The U.S. retains an indisputable lead in technology, and doubts are strong that the Russians will be able to match the West in this field. Reason: "Their system doesn't seem to provide the necessary incentive for innovation and initiative to develop advanced technology."

However, two factors are cited which offset this Russian handicap. One is the fact that the "United States is fairly compliant in providing advanced technology" to Moscow. The other is the battlefield reliability of Russian weapons in comparison with the performance of America's more technologically advanced equipment.

Russia's rulers may be counting on a third advantage—confused U.S. leadership and an unwillingness to compete in a continuing contest for global influence. They will be intent on "preventing us from gaining the upper hand anywhere and will be alert to targets of opportunity." A direct Soviet challenge to U.S. power in areas of vital interest is discounted. But America still will face more tests in peripheral areas—"more Angolas"—where the Kremlin may feel it can make gains without provoking a reaction from Washington.

The experts maintain that the Russians, in attempting to expand their influence to distant regions, will expect to use native populations to promote their influence rather than intervene directly with their own military forces. A Soviet-affairs analyst says the Russians "don't have a long-range-intervention capability, and there is no sign that they are building significant forces that would enable them to intervene at long distance in a conflict situation."

How will Soviet foreign policy be affected by the demise of Communist Party leader Leonid Brezhnev and the rise to power of a new generation in the Kremlin? Not much if at all, in the opinion of the analysts. Their judgment: "The people coming up don't seem to be all that different from the people who already are there."

NUCLEAR PROLIFERATION: *Can It Be Checked?*

The spread of nuclear weapons to more and more nations is inevitable and unstoppable in the decade ahead.

In the words of the panel's scientific specialist: "To suggest that there really is any feasible way of halting the spread of nuclear weapons is just a forlorn hope. We must face up to the fact that in five to 10 years there will be a significantly larger number of nations than now with some kind of capability to detonate a nuclear device."

He adds that such nuclear devices "won't necessarily be what we call 'weaponized'—not something in the front end of a sophisticated missile. But it will be something that will go 'bang' and at first probably will be used for prestige purposes."

A significant spread of nuclear weapons is considered inevitable "because there are too many different actors getting on the stage who are able to offer the necessary technology needed to produce a weapon or an explosive device."

As for the scale of nuclear proliferation, here is the picture: In addition to the six present members of the nuclear club—the U.S., Russia, Britain, China, France and India—there are at least 15 "near members." By the end of the century, an estimated 40 countries will have nuclear reactors. The ability of these countries to "go nuclear" will depend on whether they can be prevented from extracting plutonium produced in their reactors. With that, they can manufacture nuclear devices or weapons "the size of an automobile trunk, and fairly easily."

With nuclear reactors spreading on such a vast scale, what are the risks of an accident? The judgment of one expert: "The likelihood of a serious reactor accident which would kill or severely affect large numbers of people is very low."

NUCLEAR WAR: *The Ultimate Nightmare*

Despite the "inevitable" spread of nuclear weapons, the danger of nuclear war in the next quarter century is rated as a minor risk, especially as far as the U.S. is concerned. One view: "The likelihood of a nuclear war between the great powers is small for the next 10 years and, I'd say, pretty small for the next 25 years. If anything, nuclear weapons have created an atmosphere of stability."

From a Soviet-affairs expert: "I would have to go down on the side of the optimists on the basis of everything we know about the attitude of the Soviet Union toward nuclear war."

As for a nuclear conflict initiated by other countries besides the superpowers, a third expert gives this assessment: "If you rule out irrationality, I would say that for the next 10 years or more the odds are 1 in 100,000—even 1 in a million—that a nuclear weapon will be used by one nation against another deliberately."

Neither the U.S. nor the Soviet Union is likely to allow a client state to drag it into a nuclear conflict. The mutual interests of the superpowers on this issue supersede any interest they may have in a client. The Russians are described as even more reluctant than the U.S. when it comes to transferring to other countries nuclear technology that might be used for developing weapons. This was a major factor behind the bust-up between Peking and Moscow.

Further deterring smaller states from using nuclear weapons against a neighbor is the knowledge that, in the end, they probably would gain nothing since the two superpowers—"if they get angry enough"—can control the political outcome of any such conflict.

What about a state, such as Israel, that might feel its very survival threatened and contemplate the use of nuclear weapons in desperation? It's the consensus of the analysts that "the Soviet Union and the U.S. in most cases can see that these situations don't play out in a way that would drive a country to such an act of desperation."

The conclusion of the panel's strategic specialist in sizing up the danger of nuclear war in the decade ahead: "The consequences of nuclear war are so horrendous that it's something we think about constantly. But I think we're off on the wrong track in speculating on this possibility. I don't see nuclear weapons as being particularly viable as something that nations actually would use to resolve conflicts."

NUCLEAR TERRORISM: *The Real Danger*

While the threat of nuclear war through the 1980s is discounted, nuclear terrorism is viewed as a growing threat.

An intensive study of the problem by Government analysts points up this conclusion: It is the "psychotic, anarchical groups," whose behavior is entirely unpredictable, that pose the real danger when it comes to nuclear blackmail.

The more established, better organized terrorist groups that seek defined political objectives—such as the Palestine Liberation Organization—will be deterred from going this route. The reason: They would realize that it would prove counterproductive in view of the inevitably adverse worldwide reaction that would be set off by the explosion of a

nuclear weapon.

A nuclear-arms specialist on the panel makes the point: "The only thing that gives you some feeling of serenity is that it is still not all that easy to acquire a nuclear weapon, move it secretly and use it. And the groups that have the greatest ability to do it are precisely the ones that have the least motive to do it."

More likely than a nuclear explosion detonated by terrorists is the seizure of a nuclear power facility and the threat to pollute a city with radioactive material.

The panel's scientific expert sees a different threat from terrorists and criminals: "If your aim is to blackmail a government or to establish the seriousness of your purpose, it's a lot easier to use chemical and biological contaminants. These are easier for terrorists to acquire, easier to move secretly and easier to use in a controlled way than nuclear weapons."

The over-all danger of a nuclear weapon being detonated in the years ahead by a terrorist or criminal gang is summed up by the panel's arms analyst: "It's like Russian roulette. But instead of six chambers in the gun, there are perhaps 100 chambers. So maybe we can get by."

FOOD POWER: *An Uncertain Asset*

The U.S. today stands out as the breadbasket for the world, one of the few remaining areas that produces big food surpluses. But it would be easy to exaggerate the amount of global political influence that this country can derive from its agripower. The experts stress this point: A distinction must be drawn between power and leverage.

There's no doubt, they say, that America's "relative power" will increase in coming years in view of the enormous growth in world population, the inability of many poorer countries to expand their agriculture production adequately and hence their dependence on U.S. food surpluses to avert hunger and even famine from time to time. "But whether we will be able to use this power effectively for political or diplomatic purposes is more questionable."

Why not? The panel's international specialist says that some nations may become more resentful toward the U.S. because of their dependence on American food. In some countries, Washington, through the use of food, may gain influence but only at the cost of antagonizing others.

In fact, the experts emphasize the agonizing dilemmas that will confront Washington: "It's going to be a very great burden deciding who is to get American food and who is not, whether to sell it to nations that have money or to give it to countries with greater need but no money."

The analysts even question whether this country can get any political mileage out of the fact that Russia has become a major importer of American grains. To quote a Soviet-affairs specialist: "It gives us certain power, but I'm not so sure that it gives us all that much leverage in our dealings with the Soviet Union. They may find it a little easier to buy from us, a little more efficient. But, if necessary, they could get the grain elsewhere—in Canada or Australia."

Washington's ability to use the nation's food surpluses to gain political leverage is severely inhibited by domestic factors, too. A political expert spells out the problem: "Sure, you can write a position paper on how it should be done. But given the social-political-economic realities that dictate the way this country functions, the simple truth is that no one is going to give the President or the Secretary of State the kind of authority that it would take to use our food as a political weapon in bargaining with the Russians or anyone else."

NORTH vs. SOUTH: *Strength Through Weakness*

There is a popular theory that the U.S. and its industrial allies in the decade ahead will face the threat of blackmail from a whole string of new OPEC's—commodity cartels organized by developing countries.

That, in the opinion of official Washington analysts, is almost 100 per cent wrong. The real danger of international instability stems from the weakness of the developing countries rather than from the danger of embargoes by the producers of zinc, copper or bauxite.

In the words of the panel's international-economic specialist: "Over the next 10 years, there may be a few occasions when for a period of six months or so we will face the discomfort of adjusting to a cartel or embargo. But taking the over-all picture, it's going to be the weakness of third-world countries which is going to concern us and not their ability to turn any kind of screw."

Though the U.S. will become increasingly dependent on imported raw materials in the future, the developing countries' dependence on the U.S. for food, technology and peace will be greater than America's dependence on them for raw materials. Result: The Western industrialized nations will retain access to these raw materials on terms that are reasonable but not as favorable as those that prevailed in the 1950s and 1960s. "We will have the strong cards in North-South negotiations," says an economic expert.

America's bargaining position, the Government analysts say, is strengthened further by "our ability to adapt and to develop substitutes to meet our needs. So in a test of economic strength we can outlast the third-world countries."

Oil is a special case—at least for a time. In the absence of economic pressures that would force the U.S. to develop alternative sources of energy, this country has failed to take a political decision to pursue that course. But specialists on the official panel maintain that "in the long run, the oil problem can be solved in a number of ways—by adaptation and by change."

The oil embargo in 1973 and early 1974 gave developing countries a "false sense of power." But now, to quote an international economic specialist: "You can see a growing awareness of where power really lies over the long term. The heady feeling that the poorer countries had in '73 and '74 is receding. Rhetorically, they will make noises about forcing us to accept a new international order on their terms. But when it gets down to hard bargaining, they know that we have the power."

In dealing with the third world over all in the decade ahead, the analysts warn that Americans face this paradox: "There is a very large element of power that the third world has, and that is its actual powerlessness. Despite their economic, political and military weakness, these countries have the great strength that stems from appealing to the moral and ethical conscience of the powerful West."

The official forecast: "In ongoing negotiations, the U.S. will make generous concessions to the developing nations, not because of the fear of economic blackmail," but in an effort to build a stable and more secure international system.

Over all, the panel of official analysts who briefed the magazine's editors sees ahead a period of five to 10 years of floundering and uncertainty as a new world order is formed. In the view of the experts, the extent of instability and conflict involved in this process and the ultimate shape of the new world order will depend largely on the role that America chooses to play.

TIME, AUGUST 9, 1976

EAST-WEST

Taking the Measure of Helsinki

Amid glowing pledges to promote "better relations among nations," 35 heads of government* gathered in the capital of Finland one year ago this week to sign a document that a small army of negotiators had taken two years to prepare. Today the vaunted Helsinki agreement remains what it was from the start: more ceremony than substance. There has been so little improvement in East-West relations that can be credited to the accord that the spirit of Helsinki has become increasingly dispirited.

The anniversary is being observed enthusiastically enough in the Soviet Union, which is celebrating the occasion with special television programs, endless newspaper articles and the publication of a book. After all, the Russians were the original sponsors of Helsinki, and their dominance of Eastern Europe and the Baltic states, a fact for more than a generation, was legitimized by the accord. This kind of quasi-juridical sanction had long been a major goal of Kremlin foreign policy.

Unfounded Fears. In the West, and most notably the U.S., where President Ford has banned the word détente from his political year lexicon, the anniversary is being all but ignored. One reason is that some of NATO's initial hesitations have been justified: the gains of Communists in Southern Europe are partly attributable to the post-Helsinki mood, in which the threat of international Communism has appeared to be further diminished. Yet the West's main fear, that a Helsinki-inspired euphoria would lead to sharp cutbacks in defense spending by NATO nations, seems so far to have been unfounded.

In return for the West's ratification of Soviet post-1945 territorial gains, Moscow and its allies had to pledge, among other things, increased East-West cultural and human contacts. Cultural exchanges have indeed burgeoned, as measured by the rising East-West traffic in groups involved in sports, art and other fields, and tourism within the Soviet Union is being expanded. But Western scorekeepers fault the Soviets in other areas, notably human rights, including the treatment of political dissidents and would-be emigrants. Although the Kremlin has cut the price of emigration visas by one-fourth, to 300 rubles ($405), and allowed some dissidents and relatives of those outside to emigrate, people who apply for the visas are usually penalized immediately by a loss of their jobs.

After a period of petulance over criticism of its record on human rights, Moscow early this year switched to a policy of visible compliance with Helsinki through what are known in diplomatic parlance as "small steps," such as eased travel restrictions on foreign newsmen and inviting Western observers to Soviet military exercises. More recently, the Soviets have been marking time on new Helsinki initiatives of their own, while rapping Radio Liberty and Radio Free Europe, which broadcast into Russia and Eastern Europe, and Washington's public opposition to Communist participation in Western European governments, as violations of the Helsinki pledge of noninterference in other countries' affairs. Another complaint: the difficulty European Communists have in visiting the U.S. Concedes one U.S. official: "Our self-righteous position is not as credible as we'd like to think."

That reflects what many regard as the Helsinki accord's main value: as a yardstick for measuring East-West relations, and thus part of the process of refining them. The accord's clearest failing has been its inability to bring East and West any closer to reducing or limiting their levels of armaments. The Strategic Arms Limitation Talks, for example, have been almost completely deadlocked since President Gerald Ford and Soviet Party Boss Leonid Brezhnev met at Vladivostock in November 1974. There also has been little progress in the three-year-old Mutual and Balanced Force Reductions (MBFR) talks in Vienna between the twelve NATO nations and the seven Warsaw Pact states. It has been the dual aim of the NATO negotiators to reduce the number of troops based in Central Europe and create parity between East and West in that region. But even as the MBFR talks have been in session, there has been a build-up of armed forces in that area—almost all by the Soviets.

In what some observers view as a sign of progress, Moscow for the first time revealed the pact's force levels in Central Europe: 965,000, *v.* 977,000 for NATO. This means that parity already exists. NATO experts, however, question the Soviet figures and reckon that the pact really stations some 1,125,000 troops in that region. Until both sides agree on how large the pact's forces are, there may be little progress with MBFR.

Moscow may be tempted to make some concessions soon, in order to show progress in arms limitation in time for next June's Belgrade conference, at which the first two years' experience of the Helsinki accord is to be assessed. Unless there is progress on SALT or MBFR and an improvement in Soviet treatment of human-rights cases, it is likely, as a West German official predicts, that the "tone of the Belgrade meeting is not going to be very upbeat."

*Representing every European state (except Albania), as well as the U.S. and Canada.

DAILY TELEGRAPH, London
12 July 1976

Western aid 'helping Russia to arm'

By DAVID FLOYD, Communist Affairs Correspondent

WESTERN economic aid is a major factor enabling the Soviet leaders to continue the expansion of Russia's military strength, according to a Polish economist now in Britain.

Dr. Alexander Wolynski reaches this conclusion in a study of the effects of trade with Russia and the countries of Eastern Europe published today by the Institute for the Study of Conflict.

Trade with the Soviet bloc, financed by massive Western credits, is of "direct military significance," he says.

"It is true that this economic aid is insufficient to produce a major breakthrough in Soviet economic development, but it is an essential contribution to its military effort.

Net result

He continued: "The net financial transfer from the West to the Warsaw Pact countries last year was equal to that year's British defence expenditure."

The paradox of the situation, Dr Wolynski says, is that "those countries which are the prime technological subsidisers of the Soviet Union have also the largest military budgets, necessary solely due to the presumed threat from Russia."

By financing Soviet armaments they increase the necessity to spend more on their own defence, which some of them claim they cannot afford.

Dr Wolynski says it is "suicidal" for the West to subsidise the Russian economy "so long as it serves only to compensate for the drain on resources caused by military expenditure."

(Western Economic Aid to the U.S.S.R. By Alexander Wolynski. Institute for the Study of Conflict, 17, Northumberland Avenue, London, WC2N 5BJ. £2.)

WASHINGTON POST
5 AUG 1976

Rowland Evans and Robert Novak

Russia: Another Broken Promise

On the fourth of July, the Soviet Union exploded a little firecracker in honor of Uncle Sam's 200th birthday: an underground explosion well over the limits agreed to by the U.S. and the U.S.S.R. in their much publicized new treaty.

It was no accident. An even larger Soviet underground explosion was detonated July 29, just a week after the treaty was submitted to the U.S. Senate for ratification. Those two blasts infuriated U.S. scientists and military officers who understood the Russians had agreed to obey the initialed treaty even before U.S. ratification would formalize it.

As usual, there has been no announcement or comment on the explosions except in classified documents. On the contrary, addressing Republi-

can delegates in Jackson, Miss., July 30, President Ford praised Soviet compliance with past arms control agreements. Clearly, neither Mr. Ford nor Secretary of State Henry Kissinger wants any unpleasantness about Soviet treaty violations to interfere with their forthcoming big push for a new Strategic Arms Limitations Talks (SALT) agreement.

An honest division of opinion exists inside the administration over how serious the Kremlin's bad faith really was, particularly since chances of early Senate ratification are poor. Some hard-liners believe that Soviet fudging on this relatively minor, unratified treaty does not compare with flagrant cheating on the major, ratified SALT I Treaty (a violation again stubbornly denied by Mr. Ford in Mississippi July 30).

Nevertheless, serious government scientists closest to the program are infuriated. They say both the U.S. and the Soviet Union agreed to follow the 150 kiloton ceiling on peaceful nuclear explosions set forth in the treaty initialed by Mr. Ford and Chairman Leonid Brezhnev May 28. The U.S., in fact, obeyed that limit in its one explosion since then and will do so in the future.

Not so the Soviet July 4 blast. While publicly ignoring the explosion, the U.S. government was privately finessing it. Even secret documents circulated inside the government listed the blast vaguely as 100 kilotons-plus, in contrast to the past practice of precise estimates.

Such imprecision seems more the product of diplomatic subtlety than scientific caution. U.S scientists, as familiar with the geologic formations of the Soviet underground testing areas as they are with the backs of their own hands, are confident the explosion easily exceeded 200 kilotons.

Ignoring this excess, Mr. Ford on July 22 sent to the Senate for ratification two treaties: the peaceful Nuclear Explosion Treaty he had initialed in May and the Weapons Test Ban Treaty, also setting a 150 kiloton limit, that was initialed by Brezhnev and President Nixon July 3, 1974.

One week later came the July 29 blast, also exceeding 200 kilotons but at first confused by seismic experts with an actual earthquake near the Caspian Sea. Skeptical U.S. scientists believe the Soviets took advantage of the earthquake to detonate their device in hopes it would not be noticed, but knowledgable officials here scoff at this notion as carrying the conspiracy theory too far.

These officials, including some who have never been called soft-boiled, believe the Senate's disinterest in ratifying the treaties any time soon justified the Soviet action, even if it led the Russians into breaking an informal promise.

But even that does not explain the obvious intent of the administration to keep the underground explosions covered up. On the morning of July 30, Mr. Ford attended a National Security Council meeting dealing with arms control measures and presumably was filled in on the Soviet explosions. Yet, that afternoon in Mississippi, he delivered his euphoric delaration of faith in Soviet promises.

Having praised the peaceful Nuclear Explosion Treaty as a diplomatic breakthrough out of all proportion to its apparent worth, Mr. Ford was not about to record publicly that only the U.S., not the Soviet Union, is abiding by it.

Official U.S. reticence over publicizing Moscow's July 4 firecracker actually shrouds an intent going well beyond the question of limiting nuclear explosions, which is at best only a secondary aspect of overall arms control. With Dr. Kissinger pressing for a Salt II agreement following the Republican National Convention, Mr. Ford has an obvious political stake in concealing another broken Russian promise.

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WASHINGTON POST
1 AUG 1976

Leonard H. Marks

The Unfulfilled Promise of Helsinki

It is revealing to see what has happened to the "Basket III" provisions for human contact and informational and cultural exchanges in the "Final Act" of the Conference on Security and Cooperation in Europe, signed in Helsinki a year ago today.

The results are, in a word, disappointing. Soviet policy has been marked by tactics designed to minimize Russian compliance with these proposals. Even more discouraging, the West has been reluctant to develop strong initiatives to capitalize on Basket III.

The writer is chairman of the U.S. Advisory Commission on International Educational and Cultural Affairs.

As chairman of the U.S. Advisory Commission on International Educational and Cultural Affairs, I travelled to the Soviet Union and East Europe after Helsinki and returned with no illusions that there would be a dramatic increase in contacts. The Soviet Union had resisted the inclusion of specific, binding language. I doubted that the agreement's expression of good intentions would cause the U.S.S.R. to alter basic policies. Nevertheless, I felt that the agreement offered opportunities for positive action in this field. I made this point, together with specific recommendations, upon my return.

Since then, many of the fears about Soviet intentions have been realized. Soviet officials moved to muffle the reverberation of Basket III at home. They trotted out the old arguments against "ideolpgical relaxation." A get-tough policy has just been instituted against dissidents or other Soviet citizens who had hoped that contacts with the West might be eased. For example, requirements for exit visas were changed; a Soviet citizen must now give up his apartment before applying to emigrate. So 15 Soviet Jews wrote U.N. Secretary General Kurt Waldheim: "If a visa is denied, which is the usual procedure of the Soviet government, the applying family is left . . . without shelter from the elements."

The Soviet government instituted a very selective policy of "compliance" with Basket III proposals. For example: Travel restrictions on foreign journalists were somewhat relaxed; they now have about as much freedom as diplomats—which is not excessive. (This, incidentally, is one Basket III issue on which the U.S. government has made strong, effective representations.) Copies of more Western newspapers have been put on sale at Moscow newsstands; this is a practice that predates Helsinki, but is now trumpeted abroad by Tass as a gesture "in the spirit of Helsinki."

At the same time, the Soviet Union has mounted a heavy propaganda campaign accusing the United States and other Western nations of violating the Basket III agreements. The campaign has included charges that we restrict circulation of Soviet films and books. And Soviet commentators have said with straight faces that U.S. shortwave news broadcasts beamed toward the U.S.S.R. are in violation.

Congress reacted to this situation several months ago. It established a 15-member commission to monitor the Helsinki accord: six congressmen, six senators, and three officials of the executive branch. Although the President signed the bill on July 3, the executive branch was clearly unenthusiastic.

While the congressional move is important, the basic initiative in this field must come from the executive branch. What can be done?

First, we should make clear that the United States gives the subject the very highest priority.

Second, we should put forward specific proposals for implementing Basket III. These proposals should be publicized widely in this country, in Europe, and to audiences in Communist countries. Our proposals should be more pragmatic, realizable, designed to attract the support of influential young professionals in Communist lands who want more "windows on the West."

What proposals?

—*Expanded cultural and educational exchange.* Perhaps the clearest impression that I received in talks with Communist officials was their willingness to step up academic and other professional contacts. During the past year, however, there have been no proposals to expand significantly the State Department's exchanges with Eastern Europe and the Soviet Union. The administration pleads a tight budget and other priorities—and indeed knocked $5 million from the appropriation for the department's Bureau of Educational and Cultural Affairs.

—*Encouraging the flow of informa-*

tion. There is a tremendous demand for Western publications, films and other media in Communist countries. During the 1960s the U.S. Information Agency operated an innovative program known as the Informational Media Guarantee Program, which allowed some Eastern European countries to purchase American media materials with their own currencies, and at little or no cost to the United States. I recommended that this program be reinstituted. Subsequently, the proposal was endorsed by the Government Advisory Committee on International Book and Library Programs. But no implementation has been started.

—Increased circulation of "America" magazine. This publication, put out by USIA, has been an effective interpreter of American ideas and events to the Soviet Union for over 30 years. Demand for copies far exceeds the supply we are allowed to sell (60,000 per month). It would seem logical to press the Soviets to allow, "in the spirit of Helsinki," an increase in circulation.

—A "Western" book store in Moscow. When I raised this possibility with the U.S.S.R.'s Minister of Culture, he disarmingly replied that the U.S. could request permission to open a book store at any time, "but, of course, the Soviet government would control the selection of books." Perhaps the time is ripe to remind him that no censorship is imposed on Soviet books imported to the U.S. and that the Helsinki signatories specifically agreed "to promote wider dissemination of books."

—Pressing on the human rights issue. The Helsinki accord stressed the need for free movement of people, as well as of informational materials, across national boundaries. Despite clear and copious documentation of Soviet violations of this part of the agreement, we have never insisted in the United Nations or other international forums that the Soviet Union be asked to explain its divergence from the principles of the Helsinki agreement.

—Coordination with our allies. In the negotiations leading up to the Helsinki agreement, our European allies took strong positions in support of more human and informational contacts. Taken together, their contributions to the implementation of Basket III can be greater than ours. There has been little effort during the year to coordinate national initiatives designed to take advantage of the agreement's provisions.

—Mobilizing private resources. The State Department has, I believe, done almost nothing during the past year to bring together representatives of American industry, public-service groups, labor unions, universities and other institutions to examine ways in which they can contribute to programs, or collaborate on activities, that might lead toward Basket III goals.

There are, of course, many other ways we can implement Basket III. There is now some urgency to our actions. Next year there will be a follow-up conference in Belgrade to review steps taken by all signatory countries to carry forward the recommendations made at Helsinki. A preparatory meeting to organize the follow-up conference is scheduled for June 15, 1977. The Soviet Union can be expected to present a well-documented case to demonstrate its "achievements" in complying with Basket III, and an equally shrill one on our alleged violations of it. We must be prepared to respond.

What we need is a positive policy, backed up by concrete action, to challenge the U.S.S.R. on the real issue, the opening of all borders to more human and informational contacts, which are central to the development of peaceful relations. Our purpose should not be simply to rack up a good score in the Basket III League. It should be to prove that we have put the Helsinki principles high on the agenda of East-West relations, not simply as a diplomatic exercise but as a part of our historic commitment to the free movement of men and ideas.

WASHINGTON POST
1 AUG 1976

Law Lets Radio Resist Pressures

Voice of America—Its Own

By Richard M. Weintraub
Washington Post Staff Writer

Almost unnoticed, Congress has put into law a Voice of America charter, giving independence to writers and editors of the official United States overseas radio system in their selection and play of news.

President Ford signed the Foreign Relations Authorization Act on July 12, but a White House press release did not mention that the measure gave legal sanction for the first time to the VOA charter, which previously lacked the backing of law.

Many Voice of America employees now say that for the first time they have a legal basis to resist pressures from the State Department or VOA's parent organization, the U.S. Information Agency, to soften or omit news items.

The new charter requires VOA:

- to be a "consistently reliable and authoritative source of news" that is "accurate, objective and comprehensive."
- to "represent America, not any single segment of it," and to present a "balanced and comprehensive projection of significant American thought and institutions."
- to present the "policies of the United States clearly and effectively" and also to "present responsible discussion and opinion on these policies."

Officials of USIA say that the change in the VOA charter's status makes no difference in day-to-day operations. VOA's director disagrees, however.

"We will always have kibbitzers and suggested guidance, and we don't object to that as long as it is enlightened. Now we have something to measure it against," Kenneth R. Giddens, assistant USIA director in charge of VOA, said in an interview.

"I think it is an immense step forward," he said. "We knew our general direction, but it never had the force of law . . . so we would be protected."

Reporters and editors at VOA have chafed for years under what they view as unwarranted interference in the reporting of the news, to the detriment of VOA's credibility among its listeners overseas.

Sen. Charles H. Percy (R-Ill.) charged during hearings last year, for example, that VOA was in violation of its charter by suppressing news during the last days of U.S. involvement in the Vietnam war. The charter, which was drawn up in 1959, had not then been enacted into law, although the language was the same.

USIA officials said VOA editors and writers were limited to official statements because the radio was listened to in Saigon and other reports could have caused violence and bloodshed. Critics countered that everything that VOA was suppressing was being reported regularly by other news agencies and radios.

By design or by coincidence, Democratic presidential candidate Jimmy Carter's campaign issued a position paper on the issue of international broadcasting as the charter was being turned into law.

"The Voice of America . . . has been entangled in a web of political restrictions imposed by the Department of State, which seriously limits its effectiveness," the Carter paper says.

Carter criticized the Ford administration for its "inability . . . to appreciate the importance of an open foreign policy and a free flow of information and ideas through mass communication."

A Senate aide said that the Foreign Relations Authorization Act gives Congress a stronger hand in dealing with situations such as the one Percy brought up in May 1975. Percy sponsored the new measure in the Senate while Rep. Bella Abzug (D-N.Y.) introduced it in the House.

"There are two natural but conflicting tendencies in the VOA—standard news judgment and a desire to conform reporting to the policy positions of the U.S. government," the Senate aide said.

"The purpose of putting the charter into law is to strengthen the tendency toward standard news judgment. When incidents do arise, when news might be slanted, this will give a chance to place what has been done against a legal standard."

USIA policy officials say, however, that nothing is changed by making the VOA charter law.

"I'm not aware of any procedural difference it has made," said agency spokesman Alan Carter. "Nobody has ever gone into what 'fair, accurate and balanced' means. Most disputes are interpretive.

The agency spokesman said that no policy directives have been issued as a result of the charter's change in status. USIA Director James Keogh was not available for questions on

the issue.

R. Kenneth Towery, USIA deputy director and head of the agency's office of policy and plans, said, "Things have gone on as they always have. We didn't have any problems before and we didn't oppose" the change in status for the charter.

Towery said that policy officials responsible for monitoring VOA will call a matter to the attention of VOA officials if "they see things that are in error, if it's an area that we have been cautioned is sensitive or if they see something that goes too far or could cause trouble."

Towery said that if there are differences of opinion between the policy officials and VOA personnel, the matter is brought to him for settlement.

Giddens said, however, that making the VOA charter law adds a new element. "When you have editorial judgment, frequently there is more than one point of view. People other than Voice personnel have had things to say," he said. "Now we have a point of measurement. Now we can say, 'This is the way we see it and we are obligated to say it the way we see it.' "

Two major study commissions recommended last year that the USIA be split up, with its cultural affairs operations being merged into the State Department and with the VOA being set up as an independent operation similar to the British Broadcasting Corp. The BBC enjoys a reputation for accuracy and completeness in its news broadcasts among a large listening audience around the world.

The State Department is understood to have objected to any changes at that time for VOA, however.

CHRISTIAN SCIENCE MONITOR
4 AUG 1976

Law of the Sea: no U.S. rudder

By Robert R. Bowie

The importance of the Conference on the Law of the Sea, which reconvened on Monday for its fifth session since 1973, does not seem to be widely understood. Yet through it some 150 nations are negotiating to create a new regime for 70 percent of the earth's surface.

The need to do so arises out of changed conditions: many new coastal states, growing demand for resources and food, and new technologies for exploiting the ocean. A new system is essential to prevent conflict and violence in the years ahead over fishing, offshore oil and gas, deep-sea mining, and pollution as well as navigation and research. It is especially vital for the United States which has the largest stake in the ocean, with the most advanced technology and with critical security needs for use by its strategic submarines and Navy.

With so many participants and such complex issues, the conference has inevitably moved slowly, but it has made progress toward resolving many of the thorny issues. Those still remaining, especially deep-sea mining, will take persistence, hard work, and goodwill in order to complete a treaty within another year or more. Clearly the negotiations are now in the critical stage which will determine their success or failure.

Accordingly, one would expect that the U.S. would be entering this phase well organized and prepared to provide constructive leadership. If so, one would be quite mistaken. William Clements Jr., Deputy Defense Secretary, calls the U.S. situation "a first-class mess." According to him, U.S. policymaking "hasn't had the direction and management that it should have had." And John N. Moore, former chairman of the National Security Council task force for the conference and deputy head of the delegation, who resigned in March over policy issues, concurs. Indeed the facts speak for themselves.

- For well over a year, the U.S. has not had effective leadership for the negotiations. For many months the top post in the delegation was vacant and then was filled in December with a business executive who had no experience with the oceans, foreign affairs, international negotiations, or law. Aside from two speeches, Secretary of State Henry Kissinger has given minimum attention to the subject.
- Worse yet, in April the U.S. undercut the conference by legislation unilaterally extending its fishing jurisdiction to 200 miles effective in March, 1977, in violation of its treaty obligation. Yielding to pressures from fishing interests, the administration did not exert itself to head off the bill in Congress or to push other remedies for Japanese and Soviet overfishing which would be compatible with international law. Unilateral action by the U.S. invites similar claims by others harmful to its security and other interests, complicates the negotiations, and jeopardizes broader cooperation.
- Finally, the administration has apparently not kept the Congress adequately abreast of the negotiations. As a result, Moore fears that the Senate might reject the ultimate treaty.

Secretary Kissinger will attend the current conference session, and will doubtless make a well-written speech. But that is no substitute for adequate policymaking.

The case of the oceans is not unique. They are merely one example of the manifold global problems which must be regulated or managed jointly. Cooperative means for this purpose are required for energy, food, resources, trade and money, nuclear proliferation, pollution, and North-South relations generally. These are the substance of "world-order politics" to which Jimmy Carter would assign much higher priority.

For these issues one-man diplomacy is irrelevant, and indeed a serious obstacle to constructive action. It leads to substituting rhetoric for policymaking. Over the last year, the Secretary of State has made speeches on many of these issues of interdependence. However well they may read, they have seldom been reflected in active policy. That would require an entirely different system of policymaking.

Effective solutions of such problems can only be worked out by reconciling or compromising conflicting interests and approaches both in domestic politics and internationally. That can only be achieved by patient and persistent effort at many levels as well as leadership and direction from the top. When Secretary George Marshall made his famous speech at Harvard in 1947, for example, it set in motion a major organized effort in the executive branch and Congress to convert the idea into practical policy and action.

Very little of that kind of coordinated work has been done in any of these fields. The truth is, the United States does not now have practical policies to back up much of the rhetoric. And it cannot have them without radical changes in the methods of making policy.

Dr. Bowie is a member of the Harvard Center for International Affairs and of the Harvard faculty.

THE WALL STREET JOURNAL,
Monday, Aug. 2, 1976

A Nuclear Cop Out?

President Ford has just announced a full-scale White House review of nuclear export policy, and we hope the President and his aides recognize the full importance of their own review. They confront not some kind of public relations problem, but a vastly important policy wildly out of control.

This review will go far toward determining how many additional nations will acquire nuclear weapons over the next decade or two. Nuclear power reactors have now spread to some 45 nations. More importantly, we have just witnessed the first purchases of reprocessing technology, which extracts plutonium from spent power-reactor fuel; the plutonium ostensibly is for use as further reactor fuel but can be converted almost at a moment's notice into nuclear bombs. Thus unless a decision is made almost immediately, we will lose our last chance to erect meaningful barriers to the spread of nuclear weapons.

A decision will be easy to postpone, since even the most important matters of 15 years hence tend to get lost in the rush of government, not to mention the rush of a presidential campaign. Then too, U.S. companies have not been allowed to sell reprocessing technology; the immediate problems are sales by West Germany to Brazil and by France to Pakistan. A school of thought, further, would solve the problem by internationalizing it, oblivious to the fact that the International Atomic Energy Agency approved "safeguards" for the Pakistani plant even though it makes sense only as an eventual bomb factory. There are endless temptations for the White House to cop out.

Yet in fact the U.S. has been in-

strumental in creating the international atmosphere that leads our allies to play such dangerous games for fleeting commercial advantages, and encourages the feebleness at the IAEA. For the U.S. has never really been serious about proliferation dangers in nuclear exports, and if the leading nuclear nation is not serious, why should the others be?

Consider the case of India, which actually did build a nuclear bomb with materials and technologies supplied for peaceful purposes. It happened that the Indians used a Canadian reactor to make plutonium for its bomb, but the reactor employed U.S. heavy water, like nuclear fuel a "special nuclear material" limited by treaty to peaceful uses. Indian compliance with this provision consisted of labeling their nuclear explosion a "peaceful" one.

The Canadian reaction was to halt work on two power reactors in India, demand tough new safeguards, and when these were not forthcoming to halt all sales and shipments of nuclear materials for India. The U.S. State Department's reaction has been to make excuses for the Indians.

The U.S. did announce that shipments to India would be suspended pending agreement that henceforth "peaceful uses" would not include explosions. In fact, even this wrist-slap was not carried through; a shipment of nuclear fuel for American-built reactors in India went out a month after the explosion. Then State asked the Nuclear Regulatory Commission to expedite licensing of new shipments to India on the grounds that the American-built reactors were running out of fuel. Persistent questioning determined that the reactors had a two-year fuel supply on hand.

State even accepted the Indian argument that its reactor leaked heavy water at the rate of 10% a year, and that since the U.S. heavy water had been supplied more than 10 years ago it was not actually used. The 10% leakage is almost certainly a lie to begin with, but even if it were true it would not have exhausted the U.S. heavy water—unless, as one witness put it, the heavy water molecules in an Indian reactor do not follow the laws of physics but a caste system under which only American-supplied molecules are allowed to leak.

The NRC has granted one of two pending licenses for exports to India, under State Department warnings that, as it and presumably the Indians read the treaty, interrupting fuel supplies would be a U.S. violation freeing the Indians to use all the spent fuel for bombs. Under pressure from the NRC and others, State has agreed to approach the Indians about returning the spent fuel to the U.S. These negotiations will probably be handled the way past ones have been.

With leadership like this, little wonder the State Department has had little success in persuading the West Germans and French to limit their own nuclear sales. It will be quite a different matter if the new White House review comes up with a policy concentrating on a few fundamentals: That the U.S. will control any reprocessing of spent fuel from American-built reactors; that in any event reprocessing remains economically dubious at this stage; that the U.S. will not supply nuclear materials to any nation that holds open the option of a weapons program; that the first step in implementation must be following the Canadian example on India.

Making anti-proliferation policy truly effective will of course require similar policies from other exporters. But such agreement will be far easier to achieve if the U.S. refuses to cop out, if it comes up with a serious policy befitting a serious nation.

CHRISTIAN SCIENCE MONITOR
3 AUG 1976

Arms out of control

It is encouraging that public attention has begun to focus on the spiraling of American arms sales abroad. Congress, for one, is watching this development like a hawk. But the fact remains that there is yet no serious effort within the government to look at what is being sold all over the world and to evolve a sensible policy for bringing arms sales under control. The new administration will have to give this matter the highest priority.

It should be no source of pride to the United States that it has become the largest arms seller in the world. Government-to-government exports totaled about $1.5 billion annually a decade ago; the level is now a staggering $9 billion to $10 billion a year. Moreover, the U.S. is no longer peddling hand-me-downs but the newest and highly advanced weapon systems, such as supersonic planes, submarines, and antiship missiles.

Ironically, the United States may be defeating its own goal of enhancing security throughout the world. Not only does this massive outpouring of arms fuel possibilities for regional conflict. As military and diplomatic experts are beginning to realize, and with some alarm, it will become increasingly difficult for the U.S. – or the Soviet Union – to play the role of peacemaker. The ability of the superpowers to maintain world stability is thus being eroded.

Iran is an illustration of the dangers of unrestrained arms selling. A just-released study by the Senate Foreign Relations Committee notes that the Iranians do not even have the skills to operate the sophisticated U.S. weaponry they now have and would be totally dependent on U.S. personnel if they decided to go to war. By 1980, the report estimates, there could be as many as 50,000 Americans in Iran involved mostly in arms programs.

It is doubly disturbing that there has been no close scrutiny of this program because of a secret decision by President Nixon in 1972 to sell Iran all the modern conventional arms it wanted. When one considers the volatility of the Middle East and the potential for wars and oil embargoes in the region, it is astonishing the U.S. has such an open-ended commitment.

Other arms programs are equally questionable. The Saudi Arabians are asking for as many as 2,000 Sidewinder interceptor missiles for their F-5s, when experts agree such a number is excessive for the country's defense. Fortunately, as a result of public outcry, the administration will probably scale down its arms request to Congress.

Nor is the Persian Gulf the only turbulent area where arms are accumulating at fast rate. An arms race is under way in black Africa, where the United States is eager to bolster its allies and counter the Soviet arms buildup in Somalia, Uganda, and Angola. And many "third-world" countries are acquiring submarines and missile-armed patrol boats that could be used to impede shipping.

This is not to suggest a criticism of legitimate arms programs. It makes sense for the U.S. to help friendly countries build up their forces so they can defend themselves. There is merit in fostering regional defense systems. Arms agreements often serve valid security objectives – perhaps they do in most cases.

But to accept the present government view of "the more the better" (and the Pentagon, especially, argues that arms sales help the balance of trade and keep unit costs down) is to head down a potentially dangerous path. Some hard thought ought to be given to the nature of the weapons supplied. Are the most lethal arms going to unreliable clients? To what extent are they truly defensive? If they can be used as offensive weapons, what quantity can be justified as needed?

Arms are like shiny toys these days. Everyone wants them. But, as the major supplier in the world, the United States ought to take the lead in showing that it does not intend to turn the world into an arsenal of weapons that could have disastrous consequences.

Eastern Europe

NEW YORK TIMES
25 July 1976

Undiplomatic Furor in Belgrade

By MALCOLM W. BROWNE
Special to The New York Times

News Analysis

BELGRADE, Yugoslavia, July 25—The case of a United States citizen who was jailed by Yugoslavia for nearly a year has drawn attention to divisions among American policy-makers and especially to Ambassador Laurence H. Silberman. By enunciating a viewpoint that has been growing among Americans as Yugoslav policies have turned increasingly against the United States, the Ambassador has angered both the authorities here and the Eastern European section of the State Department.

Mr. Silberman's viewpoint is that the anti-Americanism should be resisted. As a result, he appears to have annoyed Yugoslav Government and Communist Party officials more than any other American.

Belgrade officials have attacked him particularly for the support he gave Laszlo Toth, the Yugoslav-born American who was released here Friday after having been jailed on unconvincing spy charges. By vigorously supporting Mr. Toth, the Ambassador collided directly with Yugoslavia's supreme leadership, its judicial system and its police establishment.

Mr. Silberman, a 40-year-old lawyer and former Assistant Attorney General, was appointed to his post partly because of his Republican Party connections. He is not a career diplomat.

Pushed Trade Ties

He has sought to promote American trade with this country, and, during his tenure, Yugoslavia has had the biggest single injection of American capital in in its history.

But Mr. Silberman has also striven to blunt Yugoslav diplomatic offensives against the United States, and has resisted Yugoslavia pressures toward forcing American cooperation in areas that conflict with American principles.

The quarrel in the Toth case came to public light in the Yugoslav resort town of Bled on June 7, where Ambassador Silberman had agreed to address a joint meeting of the American-Yugoslav Economic Councils—the equivalent of a two-nation Chamber of Commerce.

Despite repeated statements by Yugoslav officials that Mr. Toth would be released, the weeks passed and nothing happened. Mr. Silberman decided to raise the case in his business speech.

Mr. Silberman warned the assembled businessmen that although commercial activity was not governmental in nature, trade was inevitably affected by diplomatic relations.

He startled his listeners by referring to Mr. Toth—"a naturalized U.S. citizen [who] for no apparently justifiable reason is given a severe prison sentence and is not allowed to be visited by American Embassy officials."

The Ambassador said the Toth case had been "a severe burden on our relations."

He added: "Many aspects of Yugoslav policy around the world clash with the interests and values of the United States—and this fact invariably colors our relations. This is unfortunately true on some important economic questions. Let us hope that talk in Belgrade and Bled of economic cooperation in Yugoslavia, involving U. S. multinational firms is matched by positive and constructive debate about these kinds of firms in the halls of the United Nations.

"We hope that Yugoslavia's perception and analysis of its own interests includes attention and regard to those of the United States."

Belgrade had not heard such talk from an American Ambassador in many years, and reacted angrily.

A protest was lodged with Washington that "undue pressure" was being applied to Yugoslavia in a most undiplomatic way.

The Eastern Europe Desk of the State Department, to which Ambassador Silberman is technically responsible, evidently agreed. It recommended that Mr. Silberman be formally censured.

But other Americans strongly sided with the Ambassador. Some particularly called for increased public American opposition to Yugoslav ideology, while simultaneously supporting Yugoslavia's military neutrality.

"Speaking of pressure," one said, "Yugoslavia complains of any little push her way, while they themselves are one of the biggest bullies on the block. God help the world if they were ever a big power. A little of their own medicine fed back to them won't hurt a bit."

There is general agreement, however, that Yugoslavia is indispensable as an element in United States European policy, serving as a buffer by which Soviet tanks are kept distant from the Italian border and the Soviet fleet from the Adriatic coast.

The traditional wisdom in United States dealings with Yugoslavia has been that President Tito and his Government should be handled with the utmost deference, thereby presumably reducing any possible temptaion to rejoin the Soviet bloc.

Thus, American-Yugoslav relations have remained superficially unruffled over the years. Until recently, Washington avoided any show of public disagreement with Belgrade and Yugoslavia has remained militarily independent of the Soviet Union.

But elsewhere in the world, Yugoslavia has increasingly aligned itself with the most active adversaries or declared enemies of the United States, and has displayed keen diplomatic skill in defeating many American objectives.

In the recent past, Yugoslavia facilitated a Soviet airlift of arms to the Arab side in the 1973 Arab-Israeli war. Throughout their long war with the United States, Cambodlian and Vietnamese Communist forces received material and political help from Belgrade. Most recently, Yugoslavia gave its backing to Soviet and Cuban intervention in the Angolan civil war.

At the United Nations, Yugoslavia not only normally votes against American initiatives, but spearheads diplomatic assaults by the "nonaligned" group of nations against Washington.

Belgrade's declarations regularly associate Washington's policies with "neocolonialism," "imperialism" or worse.

The United States is even purported to represent a military threat to Yugoslavia. Joint maneuvers by Italian and American naval ships in the Adriatic have sometimes been condemned as direct threats against Yugoslavia.

Some American officials, apart from Yugoslavia's thorniness toward the United States, have become increasingly distrustful of friendship with a nation whose internal political system, they say, is becoming more repressive by the year.

They say the Marxist-Leninist official philosophy of Yugoslavia is as much committed to the destruction of American economic and political values as are the tenets of Moscow, Peking or any other Communist country.

THE WALL STREET JOURNAL, Wednesday, July 28, 1976

Diplomacy and the Human Factor

U.S. Ambassador Laurence Silberman has been widely praised for helping to win the release of Laszlo Toth, a naturalized American citizen who was imprisoned in Yugoslavia on trumped up charges of being an industrial spy. Ambassador Silberman objected to the entire charade, plus the fact that U.S. Embassy personnel were not allowed to visit Toth in prison. After months of fruitless meetings between officials of the two countries, the ambassador finally began making public protests and eventually Mr. Toth was released from prison and expelled from the country.

In contrast to Mr. Silberman's glittering performance was the dismal performance of the Eastern European Desk of the State Department, nominally Mr. Silberman's boss, which recommended that he be censured for undiplomatic behavior. In turn, he accused Foggy Bottom of not caring about American citizens abroad, even to the point of not being willing to fight for the release from prison of an innocent man. It is a credit to Secretary of State Kissinger that he supported the ambassador

We doubt if the issue is quite that black or white. No doubt State was concerned in its own way about the fate of citizen Toth, and quiet diplomacy is still generally preferable to rocking the boat. Moreover, not even the U.S., which puts a higher premium on individual initiative than most nations, can afford to have individual ambassadors determining foreign policy. But quiet diplomacy has its limits, boat rocking has its advantages, and too often the State Department appears not to know the difference.

In the case of Yugoslavia, Washington has time and again overlooked hostile behavior on the as-

sumption that it must suffer silently in order to keep it from again aligning itself with the Soviet Union. So far Yugoslavia's own national interests have served to keep it outside the Russian orbit, though its repressive internal policies are not all that dissimilar from Moscow's, at least during those periodic crackdowns on critics and dissidents. But American sufferance has scarcely advanced U.S. foreign policy, since Belgrade has gone out of its way to provoke the U.S. in the UN and in Third World confabs.

One of the most difficult tasks of U.S. foreign policy is dealing with nations like Yugoslavia, trying to exploit mutual interests without sacrificing the U.S. position on many conflicting interests. So it's encouraging to have Ambassador Silberman demonstrate again that such nations do respond to diplomatic pressure when the U.S. feels it has a legitimate case.

THE NEW YORK TIMES, SATURDAY, JULY 24, 1976

Text of Comments by U.S. Ambassador

Special to The New York Times

BELGRADE, Yugoslavia, July 23—Following is the text of remarks made today by Laurence H. Silberman, United States Ambassador to Yugoslavia, on the release of Laszlo Toth, an American citizen who had been jailed in that country. The remarks were transcribed by The New York Times.

He is no more a spy of any kind than my Aunt Matilda or my 10-year-old daughter. As far as I'm concerned, I have always felt, and my conviction is doubled after talking with him, that he's as innocent as the driven snow.

Now let me say a couple more things.

As is no secret, I have had my disputes with the Eastern European Section of the State Department concerning this case. I have always felt—and incidentally after talking with him feel it even more strongly—that the United States Government owes complete support to its citizens in situations like this.

I know the President and the Secretary feel the same way.

Whe we get to the point where we don't care about an American citizen innocently imprisoned, then we're not much of a country any more.

'Difficult to Convince'

It was always difficult to get people in this country to understand why we cared so much about Laszlo Toth. Often I was asked, well, how can you care that much about this man?

And I must say it was difficult, sometimes, to convince the Eastern European Section of the State Department of the same thing. And it was, on occasion, mentioned that he was only a recent citizen. He only became a citizen in 1973.

Well, to people who ask that question, I refer them to Henry Grunwald's piece in Time magazine on the Bicentenniel, on loving America. As far as I'm concerned, the fact that he became a citizen in 1973, immigrated to the United States in 1967, doesn't make him one wit less precious than any other American.

And after talking with him, I'm damn proud to be an American.

Criticism of Envoy

Now, I was criticized by the Eastern European Section for being too zealous in this case. It said I was undiplomatic for pressing the case as hard as I did.

To these people diplomacy apparently is the passive pursuit of American interest. And I don't accept that.

I was criticized for permitting the press to have information on this case as per my discussions at your [correspondents'] request last December.

I was criticized for referring to it in a speech at Bled, in an address to the joint Yugoslav-American Chamber of Commerce—by our own people in the Eastern European Section of the State Department. And as I've indicated, the Eastern European Section asked that I be reprimanded for undiplomatic conduct, but the Secretary turned down that recommendation and supported me.

As far as I'm concerned the release of Toth by the Yugoslav Government is a recognition on their part that we do care deeply about the capricious imprisonment of an American.

And I think that's all to the good, in terms of building and solidifying our relationship with Yugoslavia.

They must understand what's in our vital interest. And the well-being of American citizens is our vital interest. I think they understand it now.

So I feel that with the release of Toth, the relationships with this country are better and, indeed, I would say that the relationships with this country are based on certain fundamental, long-term, common interests.

NEW YORK TIMES
1 AUG 1976

Tito Attacks U.S. Envoy For 'Pressure Campaign'

By MALCOLM W. BROWNE
Special to The New York Times

BELGRADE, July 31—President Tito has harshly denounced the United States Ambassador to Yugoslavia as having initiated a "campaign" against Yugoslavia, according to remarks made public today.

Marshal Tito's direct verbal attack on Ambassador Laurence H. Silberman was the first time in memory that the Yugoslav head of state had singled out any foreign diplomat by name for such criticism.

As a consequence, there is now speculation that Yugoslavia might be considering declaring Mr. Silberman persona non grata. Mr. Silberman himself was away from Belgrade today and could not be reached for comment.

The President's remarks were part of an interview he gave several days ago to the Yugoslav national news agency Tanjug and released today.

Marshal Tito said: "Practically all the nonaligned countries are exposed to very strong pressures. You are aware of the pressure now being exerted on Yugoslavia.

"For example, the United States Ambassador in Belgrade, Silberman, has initiated a campaign against us in the United States. Just look how he is behaving.

"He is saying that it pays to exert pressure on Yugoslavia and criticize those who think otherwise. He is giving lessons about our internal and foreign policy and interfering in our affairs.

"This is also a part of the attempts in some way to compromise our country among the nonaligned nations, pending the Colombo Conference. He was referring to a conference of chiefs of state of "nonaligned" nations scheduled to begin Aug. 15.

"However," the Yugoslav leader continued, "this cannot succeed, it can have no effect. These pressures are anyway not coming from the people, but only from certain circles. As far as Yugoslavia is concerned, it will continue to pursue its policy just the same as before."

Tension between Ambassador Silberman and his staff on the one hand and the Yugoslav Government on the other has been growing during the past year, partly because of Yugoslavia's imprisonment of Laszlo Toth, an American citizen.

Mr. Toth was arrested one year ago for allegedly having photographed a Yugoslavian sugar refinery where he had emigrating to America. He was charged with spying, convicted at a secret trial, and sentenced to seven years in jail.

Ambassador Silberman sought Consular access to Mr. Toth and repeatedly asked Yugoslavia to free him. The United States mission here has repeatedly affirmed that Mr. Toth was entirely innocent.

Yugoslav authorities hinted at one point that they might be willing to free Mr. Toth in return for certain concessions by the United States. Such concessions reportedly were unacceptable in terms of the United States Constitution, however. The United States Embassy continued to insist that Mr. Toth be freed unconditionally, but Yugoslavia refused any cooperation.

Came to a Head

Relations between the United States and Yugoslavia were further soured by innumerable instances of Yugoslav opposition to American Policy objectives in the United Nations and elsewhere. Belgrade is currently on extremely close political terms with virtually all of America's adversarieis throughout the world, and Belgrade supports them materially and diplomatically.

Matters came to a head in berman publicly warned a group of American businessmen visiting some Yugoslav counterparts that a danger existed of capricious arrest and long imprisonment in this country, even for American citizens.

In his speech, Mr. Silberman also touched on Yugoslavia's growing political hostility toward the United States and its possible effects on business.

That speech resulted in furious comment from high Yugoslav officials, who reportedly asked Washington to recall Mr.

Silberman for "undiplomatic conduct." Mr. Silberman said later that the Eastern Europe Desk at the State Department had recommended he be reprimanded.

Mr. Toth was finally released a week ago, several months after Belgrade had told various ranking American officials that he would be freed. Among those to whom the Yugoslavs had given such an assurance was Treasury Secretary William E. Simon, who agreed to visit here only on condition that he receive such an assurance.

Ambassador Silberman saw Mr. Toth off at Belgrade Airport and later made a brief statement to newsmen.

The statement asserted, among other things, that no American policy objective was more important than the freeing of an innocent American citizen held abroad. He said he had been involved in arguments with both Yugoslav officials and with the Eastern Europe Desk of the State Department regarding his handling of the Toth case.

But he said he had been supported both by Secretary of State Kissinger and President Ford. Subsequently, the State Department asserted that Mr. Silberman did "an excellent job" in handling the Toth case.

THE BALTIMORE SUN
26 July 1976

Ford letter to Moscow revealed

Washington (AP) — President Ford sent a personal appeal to Leonid I. Brezhnev urging that the Soviet Union curtail its microwave bombardment of the United States Embassy in Moscow, according to Senator Robert Dole (R., Kan).

Senator Dole said he was told of the President's letter during a closed-door briefing on the Moscow radiation problem by Helmut Sonnenfeldt, one of the closest associates of Henry A. Kissinger, the Secretary of State.

Following the Ford letter and U.S. diplomatic efforts to protest the radiation, as well as an embassy staff meeting that led to widespread publicity, the Russians reduced the microwave-power levels. However, they have refused to cease the bombardment completely.

A White House spokesman, John G. Carlson, said there have been U.S.-Soviet contacts on the radiation issue at various levels, and "there has been communication — correspondence—between the President and Mr. Brezhnev." He declined to give further details.

The radiation problem has caused concern among current and former American personnel at the Moscow Embassy that long-term exposure to the low-level microwaves might result in adverse health or behavioral effects.

Senator Dole, who had criticized U.S. handling of the microwave affair, said in an interview that Mr. Sonnenfeldt apparently mentioned the Ford letter—dispatched about seven months ago—to impress upon the senator that "we weren't taking this lightly."

He said he was not told the specific wording of the letter or what, if any, response there was from Mr. Brezhnev.

Disclosure of the Ford-Brezhnev letter marks the first confirmation that the embassy radiation question has been considered serious enough to require personal attention at the highest level of U.S.-Soviet relations.

An aide to Senator Dole who was present during the senator's closed-door briefing with Mr. Sonnenfeldt said the Ford letter to Mr. Brezhnev evidently had been sent in December, 1975, or January of this year.

The aide, Claude Alexander, said Mr. Sonnenfeldt explained that President Ford "had written a personal letter to Brezhnev to make a personal appeal that these [U.S. Embassy personnel being irradiated in Moscow] are our employees—in effect, 'What the hell are you trying to do?' "

According to a classified State Department document made available to the Associated Press, U.S. concern over the Soviet microwaves—first detected in the early 1960's—increased in October, 1975, when the radiation began focusing on the embassy from two different directions.

From October through January, the document said, the United States was "making representations" to the Soviet government while preparing to install protective screens on the building's windows. Embassy employees were finally briefed about the radiation in early February.

The Sonnenfeldt briefing and the White House spokesman's comments left unclear whether Mr. Ford's initial letter to Mr. Brezhnev was followed up by further high-level exchanges.

The State Department has denied that any U.S. concessions were made in return for reducing of the radiation by the Soviet Union. "There is no question of a concession," a department spokesman, Robert Funseth, told reporters earlier this month.

Knowledgable U.S. sources say the searchlight-like Soviet microwave beams are intended to foil American electronic snooping devices on the roof of the 10-story embassy.

Over the 15-year history of the radiation problem—while its existence was a tightly held secret—the issue reportedly was raised by staff officials during the 1967 Glassboro (N.J.) summit meeting between President Lyndon B. Johnson and Soviet Premier Alexei N. Kosygin.

During recent months, the State Department has said the microwave situation figured in discussions between Mr. Kissinger and Anatoly A. Dobrynin, Soviet ambassador to Washington.

WASHINGTON POST
3 AUG 1976

• The Yugoslav Foreign Ministry indicated that it would like the United States to send a new ambassador to Belgrade in place of Laurence H. Silberman, who was strongly criticized over the weekend by President Tito for his comments about the case of an American recently freed from a spy sentence in a Yugoslav jail.

NEW YORK TIMES
28 JUL 1976

TESTS RUN IN 1960'S ON SOVIET RADIATION

WASHINGTON, July 26 (AP) —Special tests to detect genetic damage were run by the State Department on employees returning from Moscow during the 1960's because of concern over possible effects of microwave radiation being beamed at the United States Embassy there, according to physicians familiar with the study.

However, the purpose of the tests was kept secret from the employees, the medical sources said. American Foreign Service officers and other embassy personnel reportedly were told only that they were being checked for a kind of abnormal bacteria, the sources said.

The existence of the genetic testing program, conducted during 18 months in 1967-68, was confirmed by Dr. Cecil B. Jacobson, who oversaw the analysis of the State Department test samples by a laboratory at George Washington University.

"Things were never really conclusive," Dr. Jacobson said about results of the tests.

Western Europe

BALTIMORE SUN
30 July 1976

Legislator claims U.S. spy posts in Britain steal commercial secrets

London (AP)—The U.S. National Security Agency is stealing British commercial secrets "on a colossal scale" by eavesdropping on corporate communications from bases in Britain, a left-wing lawmaker claimed yesterday.

Tom Litterick, who represents a district in the industrial city of Birmingham, said he will ask the foreign secretary, Anthony Crosland, to raise the matter urgently with the U.S. Secretary of State, Henry A. Kissinger.

"They are using four British military installations, at Edzell in Scotland, Chicksands, Cheltenham and one in Hampshire to monitor the communications of British commercial organizations," Mr. Litterick told reporters.

He said he obtained his information "from a former employee of the NSA who, in the course of his duties, noticed that commercial information was being decoded and transmitted to the United States and made available to American firms.

"This is nothing short of commercial espionage by an American state agency using facilities provided by the British," Mr. Litterick charged.

The lawmaker also raised the issue in the House of Commons Monday, and Roy Hattersley, minister of state in the Foreign Office, replied:

"It is a long established practice of the House that the government does not comment on matters of this kind."

A spokeswoman at the American Embassy said it would have no comment on the Litterick claims. She said comment should come from the Defense Department in Washington.

Mr. Litterick said U.S. eavesdropping "equipment is immense. Each one of these installations has a British commander, but in each case the rank of the British commander is junior to that of the resident senior American officer.

"Large British companies with subsidiaries abroad use radio communications to keep in touch," the lawmaker continued. "These communications are sent in code but the fellows who man these communications installations break the codes, 'deodorize' the information so that no one can recognize the source and then transmit it to America.

"The technical capabilities of the Americans are overwhelmingly huge. There is no code that is safe from the Americans—they can decode anything.

"We know the Americans are ruthlessly capable of filching any secret on behalf of American citizens," Mr. Litterick said. "When it comes to money the Americans do not recognize anybody as their friends.

"British technical skill and commercial knowledge and know-how," the lawmaker said, "are simply being filched and drained away for the benefit of American firms who are in competition with us."

Mr. Litterick is one of the more outspoken members of the Labor party's left wing and has said on previous occasions that members of the U.S. Central Intelligence Agency operate from the American Embassy in London and should be expelled.

NEW YORK TIMES
5 AUG 1976

U.S. Now Concedes It Discussed a Ban On Loans to Italians

WASHINGTON, Aug. 4 (Reuters)—The United States consulted its European allies about cutting off economic aid to Italy if Communists were admitted to the Italian Cabinet, it was disclosed in a White House letter released today.

The letter said United Staten officials had discussed the matter with French, West German and British officials at the economic conference in June in Puerto Rico, but reached no agreement.

It was the first time the White House admitted publicly that it had discussed withholding aid toa n Italian Government that included Communists. The government later formed by the newly elected Christian Democrats did not inglude Communists.

The letter was written by Lieut. Gen. Brent Scowcroft, head of the National Security Council, to the House International Relations Committee.

He sent the letter in reponse to a resolution being considered by the panel, urging the White House to turn over material about an alleged agreement to refuse loans to an Italian government that included Communists.

General Scowcroft's letter naid in part:

"Contrary to the impression conveyed by some press reports, there was no agreement entered into by the United States with France, West Germany and Great Britain, or any other country on the question of assistance to Italy if the communists entered the Italian Government, although the general issue was discussed at the economic summit meeting in Puerto Rico in June."

BALTIMORE SUN
1 August 1976

A conspiracy of friends against one of their own

The British, French, German, and American Governments put up their several smokescreens in an attempt to blur the meaning of Chancellor (Helmut) Schmidt's statement that they had agreed at the Puerto Rico Summit to give no aid to Italy if a Communist joined the Italian Government. Herr Schmidt—it was said variously in London, Paris, and Bonn—had been misquoted. Or he had been misunderstood. Or he had been wrong to say that the Italian issue was the most important one discussed at Puerto Rico. Or nothing important had happened beyond a chat about aid to Italy between four old friends.

What emerges from the fog is a pair of rather unseemly facts. The first is that Presidents Ford and Giscard d'Estaing, Chancellor Schmidt, and Mr. Callaghan did indeed discuss Italy's future privately and without telling the Italian Government what they were doing. The second is that Herr Schmidt said, correctly or otherwise, in Washington that they had agreed to deny aid to Italy if the new Italian Government included a Communist. Italy is an ally to all of them and to three of them an EEC partner. They ought not to have discussed Italy behind Italy's back.

Nor should they have preset the sort of terms—if that is what they did—that Herr Schmidt was talking about. Italy is a democratic country which has just elected a new parliament. The complexion of the new Italian government is a matter for the Italians. The gist of Herr Schmidt's message to Signor Andreotti was that his cabinet must not include ministers who do not enjoy the confidence of the British, French, German and American Governments.

This amounts to blatant interference in the domestic affairs of another democracy, and Signor Berlingeur, the Italian Communist leader, was quite right to say so. He could also have said that at least two of the four governments involved are happy enough to grant large sums in aid or cheap credits to countries whose cabinets are wholly Communist. Britian has given the Soviet Union a credit line of 950 millions. West Germany has offered even larger credits to countries in the Eastern bloc and to Yugoslavia. Why should Italian Communists be less deserving of aid than Russian ones?

In cynical terms, of course, the cases are not the same. There is no way in which the West can use money to influence the composition of the Soviet Government. So there is no point in inhibiting trade by withhold-

ing credits. In Italy, on the other hand, the richer Western governments are in a position to push a poorer one around.

What Mr. Callaghan, President Ford, President Giscard d'Estaing, and Chancellor Schmidt seem to have forgotten is that Signor Andreotti is supposed to be one of their own company, a brother, a fellow-democrat, and entitled to be consulted. For the North European big three—whose activities have already alarmed the smaller members of the EEC—and the United States to have tried to influence the Italian conclusion is not merely unwise but contrary to the UN Charter. All peoples, the charter says, have the right to choose their own governments.

The above is reprinted from the Manchester Guardian Weekly.

THE ECONOMIST JULY 24, 1976

No help for the suspect

Giulio Andreotti may wish Helmut Schmidt hadn't said it out loud, but it suits his purposes fine

The well practised vocal cords of Helmut Schmidt were for once being used to no purpose when the West German chancellor loudly revealed last weekend that Italy's friends would be reluctant to give economic help to an Italian government with Mr Berlinguer's Communists in it: for the simple reason that no such government is in prospect at the moment.

Mr Andreotti, for the Christian Democrats, is working to construct a government without the Communists. The Socialists, whose agreement the Christian Democrats will need, have just had a palace revolution which puts them under the leadership of a man who will probably give that agreement. The Communists themselves seem resigned to not being in the government this year, and perhaps not in the lifetime of the parliament elected last month. The chief remaining question is the terms on which the Christian Democrats and their allies can buy the relatively loyal opposition of the Communists, and wage restraint by the Communist-led trade unions.

Few countries can nowadays sail through life without some degree of external influence on their affairs. To be a member of the European community, or of the Nato alliance, or of the International Monetary Fund when you need international cash, is to recognise the limitations the real world imposes on that perfect sovereignty of the theory books. So the outrage of some west Europeans about Mr Schmidt's remarks has been humbug. The governments of Italy's main western friends have decided, on two very practical grounds, that they would prefer not to see the Italian Communist party come into the government just yet.

First, the policies the Communists advocated in last month's election were so deliberately moderate that it will be hard for Mr Berlinguer to threaten to oppose the Christian Democrats root and branch. If the Christian Democrats offer something tangible in return for wage restraint by the unions—one idea is a freeze on salaries over 8m lire a year (a bit over £5000), which implies a substantial redistribution of incomes—the Communists are unlikely to come out into the streets against it. The whole recent strategy of the Communists has been to persuade the nervous centre of Italian politics that it has nothing to fear from them. They destroy their own strategy if they now swing over to a policy of all-out opposition, including economy-busting strikes.

The distance they have to go

Second, the aim of trying to exclude the Communists from Italy's next government is to give the social democrats among them more time to trim down the party's Leninist element. The nettle of the Italian Communists will, it is true, have to be grasped some time. The decisive test of a democracy is the ability to transfer power from one major party to another, and Italy will not have passed that test so long as its biggest opposition party is considered outside the government-forming pale. But for all Mr Berlinguer's professions of belief in democracy, his Communists are still two parties in one, a large outer layer of people who are really social democrats wrapped around a hard core of still unconverted Leninist authoritarians. They will be safer for democracy when they reduce that hard core still further, or spit it out.

Italy's Communists claim to have abandoned the dictatorship of the proletariat, that code-phrase for the one-party system of the orthodox communist state. But they still believe in the "hegemony of the working class," which could be a back door to something not very different from the dictatorship of the proletariat. They still practise democratic centralism, the system of tight internal discipline which, in most other Communist parties, goes with a denial of multi-party pluralism. They maintain a series of institutional links with the Soviet world that consorts oddly with the assertion that they belong, in their hearts, to the pluralist world. One more parliament's life spent in critical but not destructive opposition would help the evolution of Italy's Communists. They might by then have become the reliable partner in the democratic system which Mr Berlinguer already claims them to be.

Near East

WASHINGTON POST
2 AUG 1976

Uncontrolled Sale Of Arms to Iran Traced to Nixon

By Don Oberdorfer
Washington Post Staff Writer

A secret decision by President Nixon during a May, 1972, stopover in Tehran led to uncontrolled sales of sophisticated U.S. armaments to Iran and deep American involvement in its military affairs, a Senate Foreign Relations Committee study reported yesterday.

The staff study made public by the committee said Nixon's decision to sell Iran the most modern U.S. aircraft "and in general to let Iran buy anything it wanted" effectively preempted State and Defense Department review of the sales to that country. The study said this continued to be so even after a quadrupling of Iran's oil revenues in 1973 created a "honeypot" of weapons sales.

The result was "a bonanza" for U.S. weapons makers, fierce interservice competition for orders, and sales totaling $10.4 billion over the past five years, according to the report.

U.S. arms sales to Iran are the largest of any country both in dollar volume and the number of Americans involved in implementation abroad.

Nixon's decision to sell Iran virtually any weapons system the shah wanted was "unprecedented for a non-industrial country" and evidently was not preceded by the major interagency review that would be expected in such a far-reaching determination, the report said.

A committee source said the decision was later transmitted in writing to the State and Defense departments by Henry A. Kissinger, then White House assistant for national security. "It caught the bureaucracy completely by surprise" but was never seriously challenged because of its authoritative nature, and it remains in force today, the source said.

Nixon's decision was not publicly disclosed during or after his overnight Tehran visit on the way home from concluding the 1972 Strategic Arms Limitation Talks (SALT) agreement in Moscow.

The joint communique reporting the meetings of Nixon and the shah said only that "the President confirmed that the United States would, as in the past, continue to cooperate with Iran in strengthening its defenses." Nixon made no reference to his Iran arms decision in reporting on his trip to a joint session of Congress.

According to the committee report by staff member Robert Mantel and consultant Geoffrey Kemp, the Iranian arms purchase program includes:

- Four Spruance Class destroyers that will be even more sophisticated than those being built for the U.S. Navy.
- 80 highly complex F-14 Grumman Tomcat warplanes equipped with radar and computer guided Phoenix missiles.
- A 37-battery "improved Hawk" air-defense system, including 1,800 missiles and 1,000 buildings at 50 locations.
- 528 late-model helicopters, 398 self-propelled howitzers, and more than 10,000 TOW (tube-launched, optically tracked, wire-guided) antitank missiles to equip a ground army expected to be at least twice as large as Britain's in manpower, aviation and armor by 1978.

In addition, the report said Iran is considering the purchase of 250 to 300 F-16 or F-18 fighter planes, plus a number of sophisticated airborne warning and control aircraft, "Hawkeye" electronic planes and long-range search and rescue helicopters.

Discussions have been taking place with independent U.S. petroleum firms and weapons conglomerates on a deal to "barter" long-term supplies of Iranian oil for some of the weapons now on order or on the shah's "wish" list. The State Department confirmed it has been informed of such discussions.

"Most informed observers feel that Iran will not be able to absorb and operate within the next five to 10 years a large proportion of the sophisticated military systems purchased from the U.S. unless increasing numbers of Americans go to Iran in a support capacity," the committee report said.

In case of war during that 5- to 10-year period, there is general agreement among U.S. personnel involved with the Iranian program that "U.S. support on a day-to-day basis" would be essential for operation of the sophisticated weapons, the report added.

There were 24,000 Americans in Iran as of January, with a large percentage reportedly involved in military programs. The report said the number of Americans in Iran could easily reach 50,000 to 60,000 by 1980.

Any attempt to deny the U.S. equipment and support if they were ordered used counter to U.S. policy or interest—for example, on the Arab side against Israel or in a new India-Pakistan war—would create a showdown with Iran and could make the U.S. personnel "hostages" in extreme cases, the report said.

The vast arms sale has so entwined the two countries that "the U.S. cannot abandon, substantially diminish or even redirect its arms programs without precipitating a major crisis in U.S.-Iranian relations," the report said.

Asked for comment on the rationale of Nixon's 1972 decision, Kissinger's press spokesman, Robert L. Funseth, replied that Nixon "believed it was in U.S. national interest to have Iran turn to the U.S. as the principal source of its military purchases."

Funseth recalled that in Guam in 1969 Nixon stated that the United States would expect regional countries to assume greater responsibility for area defense and that the United States would work closely with them. When Britain decided to withdraw its forces from the Persian Gulf, the United States was not in a position to replace British power, he added.

"We concluded that only the regional countries, particularly Iran and Saudi Arabia, could take on the responsibilities for regional security and that their perception of the threat they face and their judgment of what they needed to do the job must be given serious weight in responding to their arms requests. That was the context of our decision," Funseth said.

CHRISTIAN SCIENCE MONITOR
3 AUG 1976

U.S. official: Iran arms aid "devastating"

By Harry B. Ellis
Staff correspondent of
The Christian Science Monitor

Washington

Washington's deepening military involvement with Iran – to the tune of $10 billion

worth of arms sales to the Shah's kingdom since 1972 – carries with it "devastating" economic implications for Americans, says a high U.S. Government official.

Shah Mohammed Reza Pahlevi, the official said, virtually "caused" the 400 percent boost in world oil prices decreed by the Organization of Petroleum Exporting Countries and, when OPEC meets in Vienna Aug. 5, Iran may press for a further price hike.

Yet, said an informed source, the White House – under Richard M. Nixon and now under President Ford – consistently has refused to exert pressure on the Shah to bring oil prices down.

These views coincide with publication of a Senate report alleging that, since a secret 1972 deal between then-President Nixon and the Shah, U.S. arms sales to Iran have been "out of control."

Mr. Nixon, says the report, agreed – apparently with the backing of Henry A. Kissinger, then White House national-security adviser – that Iran could buy all the conventional U.S. weapons it wanted, without customary policy reviews by State and Defense Departments.

As Iran's oil revenues ballooned, so did its purchases of American weapons. Today Iran is the No. 1 arms customer of the United States, and according to the Senate study, "50,000 to 60,000" Americans may be in Iran by 1980 to service arms contracts.

At least 24,000 Americans, the study says, now are in Iran and – should Iran become involved in war – they either would have to maintain, and possibly operate, weapons systems or become hostage to the Shah, if they refused to do so.

"There is in all this," said a well-placed source, "a missing ingredient." What impelled Mr. Nixon and Dr. Kissinger to authorize unlimited arms sales to Iran, without conventional policy checks?

Since that time, as OPEC raised oil prices and Iran bought more and more arms, Dr. Kissinger as Secretary of State reportedly has opposed putting pressure on the Shah to halt the price climb.

Treasury Secretary William E. Simon, by contrast, argued vainly in White House councils that all possible leverage should be used against the Shah, as principal author of the OPEC price rise.

Dr. Kissinger, in these same White House discussions, stressed the importance to the United States of intelligence installations, including a radar network, in Iran.

Consistently, since 1953, when the CIA supported a coup d'etat that overthrew leftist premier Mohammed Mossadegh and restored the Shah to his throne, U.S. policymakers have sought to strengthen Iran as an anti-Communist buffer between the Soviet Union and the Persian Gulf.

With Americans buying increasingly more oil from Persian Gulf powers, this policy has gained in importance. It includes a parallel effort to strengthen Saudi Arabia, largest oil producer in the Middle East.

Richard M. Helms, Director of the CIA under President Nixon, now is U.S. Ambassador to Iran.

Meanwhile, Mr. Simon continues to press for a changed U.S. policy toward OPEC. He favors closer U.S. relations with Saudi Arabia and stronger American pressure on Iran.

Saudi Arabia – with a relatively small population and enormous oil revenues – argues within OPEC against higher oil prices which might hamper world economic recovery and reduce demand for oil.

Iran, with a large and rapidly growing population, has a different perspective – a need for still more money to finance economic development and to satisfy the Shah's vast appetite for arms.

America now sells about $3 billion worth of military equipment yearly to Iran and a roughly equal amount to Saudi Arabia.

WASHINGTON POST
5 AUG 1976

Iran and the Arms Trade

PRESIDENT NIXON'S DECISION to arm Iran was characteristic of much of his diplomacy. It was secretive. Its dismaying applications were never debated within the administration, let alone in public. It has now left the country with an implicit commitment that Americans cannot accept—and yet cannot easily reject. Condemning this kind of high-handed and irresponsible statecraft is simple enough. But working out a remedy is going to be as difficult as it is urgent.

The dimensions of this dilemma are becoming painfully clear. Iran is now this country's biggest customer for arms, buying inordinate amounts of the most advanced and complex weaponry. Iran, as a nation and a people, does not have the technological base for this kind of an armory. Keeping it in operation requires Americans, in large and conspicuous numbers, on the airfield and in the maintenance shops.

If the Shah were to use this equipment in war, the United States would be faced with a fearful choice. To leave the American technicians and experts in place would make this country an active participant in the Shah's purposes. But suddenly to withdraw technical support and resupply would risk the destruction of all U.S. relations with Iran with obvious consequences for the flow of Persian Gulf oil on which this country is increasingly dependent.

The time to consider this unpleasant prospect is before, not after, the Shah begins to use this expensive equipment that the United States has sold him. But there is no indication that the Ford administration has thought about it much, or has any policy at all. Perhaps the process of looking for an answer will be accelerated by the publication last Monday of the Senate Foreign Relations Committee's staff report on the military sales to Iran. The rising danger to American interests has been apparent, in general terms, for some time. But this report lays out the case with a wealth of detail difficult to ignore.

An example: The report notes that this country has sold Iran weapons that include the new F-14 Tomcat fighter and the Spruance class destroyer. "The F-14 system is so complicated that the United States Navy is having major difficulty keeping it operational; Iran's Spruance class destroyer will be even more sophisticated than those being procured by the U.S. Navy," this report observes. It then adds: "There is general agreement among U.S. personnel involved with the Iranian programs that it is unlikely that Iran could go to war in the next five to 10 years with its current and prospective inventory . . . without U.S. support on a day-to-day basis." Can Iran count on that support? The Shah is entitled to an answer. So are American voters.

After a venture in personal diplomacy in Teheran in early 1972, Mr. Nixon told his subordinates that the Shah was to be permitted to buy virtually any weapon short of nuclear warheads. Because of the sweeping and explicit nature of this order, all of the normal processes of review and analysis were abrogated. The only limiting factor was Iran's ability to pay. But then came the oil revolution. Iran's oil revenues in the year of Mr. Nixon's visit were a little over $2 billion; by 1974, they were up to $17.4 billion, and American arms sales to Iran were up to nearly $4 billion a year. But by then the Nixon administration, sunk deep in the Watergate scandals, had no attention to spare for marginal matters like arms policy. The lower ranks of officialdom here in Washington let the sales rush forward, mindlessly and automatically.

Iran is at the center of a notoriously instable region in which national enmities are sharp and national ambitions, nourished by a new economic power, run high. The Foreign Relations Committee's report notes that the Shah is developing close military relations with Pakistan, which, of course, is more or less continuously embroiled with India. India has nuclear weapons. Iran, by the way, is negotiating for American reactors—for peaceful purposes, everyone says.

By coincidence, Secretary of State Henry A. Kissinger arrives tonight in Teheran for two days of conversations. There is no subject before the two governments so pressing as this arms spiral. Mr. Kissinger needs to discuss with the Shah the means to limit and reduce the flow of weapons. Above all, he has an obligation to tell both the Shah and the American public under precisely what conditions Iran will get American support if those F-14s are used in combat.

East Asia

THE CHRISTIAN SCIENCE MONITOR Monday, July 26, 1976

Time for a new American policy on Korea

By Edwin O. Reischauer

Today marks the 23rd anniversary of the end of the Korean war, but the Korean peninsula is still one of the powder keg areas of the world, with the United States sitting on top of the keg.

North and South Korea, each big enough to rank as a middle-sized country of the world, are squared off against each other in bitter hostility. They are armed to the teeth, with about a million men together under arms and another 2 million as trained reserves. Shooting incidents occur from time to time along the border, and not far away is stationed an American division, so placed as inevitably to involve the United States, should war break out again.

Around Korea are grouped in close proximity three other of the largest nations in the world — China, the Soviet Union, and Japan — all of which have fought over Korea in the past and distrust one another today. The situation is not reassuring. It is high time to take stock of what has happened in Korea and what its future may hold in store for the U.S. and for the world.

First, however, America should get rid of some mistaken notions. South Korea is no South Vietnam. Its people are solidly unified against the Communist North, still remembering its ruthlessness and cruelty when it overran most of the South during the Korean war. They have a larger military establishment than the North and are in the process of gaining equality in the air, their one area of relative weakness. They have twice the population of the North and a more vigorous economy. South Korea most certainly will not crumple, no matter how hard the North Korean dictator, Kim Il Sung, may huff and puff.

Also, neither of the two Koreas is much like most other developing countries. They share many of the characteristics that account for the extraordinary, though contrasting, successes of Japan and China in recent years. Their people are hard-working, disciplined, and skilled organizers. They have a passion for education and have all but wiped out illiteracy.

With these traits the North has made itself into the most tightly and repressively organized of all the communist states. The South has followed the trail blazed by Japan as an industrial fast-grower, although, starting later than Japan and from lower levels of technological modernization, its success is less assured, particularly in the face of the recent vast rise in prices for the energy resources and raw materials that both must import.

The South's attempt to follow the open pattern of democratic politics and freedom of expressior that has worked so well in Japan has met with even less success. The movement in recent years has been away from these freedoms toward growing repression and authoritarian controls.

South Korea nonetheless has sufficiently high educational and economic levels to make a free society and democratic political institutions workable or, if these are not achieved, to operate a reasonably efficient even if cruel dictatorship of the right.

The immediate problem in Korea is not its backwardness or the danger that the South might disintegrate. The problem for the United States is the embarrassment of having served as godfather to a rightist dictatorship and being committed to its defense, even though the American people obviously would repudiate this commitment if war actually broke out. This is a very dangerous situation to be in.

To South Koreans the past 31 years since World War II have been their American period, now comparable in length to the preceding Japanese period of 35 years of colonial rule, when Japan blighted Korean national aspirations and bred a lasting hatred for Japan, but at the same time did lay the foundation and give specific shape to much of Korea's modern development. The Japanese also molded Korea to the pattern they willed for it.

In contrast, the United States has advocated one thing for Korea and produced another. Much in modern Korean society has been influenced by the U.S., and some of this the American people can take pride in. It was Christians, largely the converts of American missionaries, who once stood out as champions of independence against the Japanese, just as they are today the most fearless advocates of democracy and freedom of speech against native military rule.

Other borrowings from the United States, however, have been less desirable. The arm of government most repressive of the freedoms of Koreans both at home and abroad is the Korean Central Intelligence Agency, named for its American counterpart. Generous American aid has bred widespread corruption. And in any case the present dictatorial Korean Government is not at all what any American would wish to see in Korea.

The spotty American record is the product of both inattention and a desirable modesty in American aims. The U.S. does not feel that it should try to mastermind the future for any other people. It is ready to aid but not to dictate. Unfortunately this half-way position breeds confusion. U.S. aid often seems to others like control. Korean liberals are dispirited to see the United States increasing its military support of a regime that has destroyed their freedoms and the beginnings of Korean democracy.

What should the U.S. do now to correct this situation and reduce the dangers to itself and the world? Clearly the first step is to withdraw its troops and its nuclear weapons from South Korea. If it does not do this it will be continuing to give unconditional support to a regime that it does not believe in and will remain in danger of becoming embroiled in a war there against the wishes of the American people and the best judgment of their government.

The U.S. withdrawal, however, must be accomplished in such a way as not to increase the chances of war in Korea. It does not want a repetition of 1950, when an American pullout helped spark the invasion from the North. The withdrawal should be gradual and clearly announced in advance, so no shocks occur. The present commitment to South Korea's defense

should be replaced by a more general commitment to the peace of the area.

The same sort of commitment should apply to Taiwan when the United States eventually does recognize Peking and consequently must give up its specific defense treaty with the Nationalist regime. China has clearly indicated that it is not considering military action to regain Taiwan at this time, and neither it nor the Soviet Union has the least desire to go to war over Korea.

The possibility, however vague, of American military reprisal would be a further deterrent to Chinese or Soviet military action, and North Korea would not on its own embark on a military adventure against a larger and probably stronger South, especially if there is even a small possibility of an American military response.

The U.S. withdrawal from Korea also should be accompanied by other more positive moves. It is the close involvement of China, the Soviet Union, Japan, and the United States in Korea that makes it a much greater danger to world peace than are even less stable areas in Southeast Asia or the other developing regions of the world. The U.S. should take advantage of its withdrawal to work for a four-power agreement on the neutralization of Korea from other world tensions, leaving the two Korean regimes to work on their problem of unification without fear of external pressures.

Since the American defense position in Korea often has been described as being basically in behalf of its Japanese ally, withdrawal from Korea also should be accompanied by clear reaffirmations of its commitment to Japan's defense and cooperation with Japan in all fields — a position that spokesmen of both the political parties in the U.S. have recently made clear is an accepted, supra-partisan American stand.

Finally, the withdrawal would permit the U.S. to be more selective in its cooperation with, and aid to, South Korea, so that American influence would be more likely to favor the development of the sort of free and domestic society that most South Koreans hope for and that Americans believe would best contribute to a healthy and stable Korea.

Edwin O. Reischauer, former U.S. Ambassador to Japan, is University Professor at Harvard and a specialist in East Asian studies.

THE WASHINGTON POST

Wednesday, August 4, 1976

Lockheed Scandal Hints at Deep Vein of Japanese Corruption

By Mark Murray
London Observer

TOKYO—Japan's far-reaching Lockheed bribery scandal, which has led to the arrest of former Pime Minister Kakuei Tanaka and threatens to topple the government, may be only a small part of the widespread corruption among this nation's public officials.

Almost no area of government seems untainted. Even Japan's highly respected police force has been rocked by a series of petty scandals involving bribe-taking and involvement with gangsters.

The National Police Agency has released a report showing that bribery cases in the first six months of this year were the largest in the country's history.

Only five of Japan's 47 prefectures came out clean. The agency uncovered 463 individual bribery cases—171

WASHINGTON POST
29 JUL 1976

Tokyo Paper Sees Lockheed Fund Tie To Japan Election

By Andrew Horvat
Special to The Washington Post

TOKYO, July 28—The mass circulation newspaper Mainichi charged in a story today that money from the Lockheed Corp. apparently was used to finance the Japanese parliamentary elections of December 1972.

The allegation came two days after the unexpected arrest of former Prime Minister Kakuei Tanaka on charges arising out of the Lockheed scandal here.

Two former executives of All Nippon Airways—former president Tokuji Wakasa and former director Ryoichi Fujiwara—were indicted today on charges of foreign exchange violations in receiving money from Lockheed. The two were among 16 persons arrested earlier.

Mainichi said money from Lockheed was delivered personally by John W. Clutter, president of Lockheed Asia Ltd., to power-broker Yoshio Kodama in several installments and usually at the latter's request. Kodama has been identified in U.S. congressional testimony as the recipient of $7 million in Lockheed funds.

The newspaper said "the Tokyo district prosecutor's office is fairly certain that the former prime minister received money not only through the Maruhent Corp. [Lockheed's agent] but also from power-broker Yoshio Kodama."

Kodama, reportedly still recovering from a stroke suffered at the beginning of the Lockheed investigation, is refusing to answer questions related to this matter.

The paper alleges that Taro Fukuda, translator and go-between to Lockheed and Kodama, told prosecutors before his death, that he accompanied Clutter on several trips to Kodama's house.

Mainichi's sources said Fukuda was only aware that Lockheed delivered these funds, usually in $35,000 to $70,000 amounts, to Kodama. The paper speculates that the funds were passed on to politicians preparing for the 1972 general elections.

Mainichi quotes unnamed sources as saying Fukuda told of translating demands by Kodama for money to be given to Japanese politicians including not only Tanaka but also opposition members of Parliament.

"It is not known whether Kodama actually delivered the money to Tanaka, but inasmuch as the period in question was directly prior to the December 1972 lower house elections, there is the distinct possibility that at least some of the money went to finance the election costs of Japanese politicians," the paper said.

A. Carl Kotchian, former vice chairman of Lockheed, told a U.S. Senate committee in February that during the latter part of 1972 especially large sums of money moved frequently to Japan. Kotchian said that in October 1972 Lockheed sent $1.3 million and in November $2 million to Japan.

The second half of 1972 was an important period for Lockheed. In September, Japan announced its All Nippon Airways would purchase six Lockheed Tristars. In October, the National Defense Council, headed by Tanaka, scrapped domestic production of antisubmarine patrol planes, paving the way for Japan to buy the P 3-C Orion made by Lockheed.

more than in the same period last year—involving sums amounting to about a million dollars.

Most of the cases involved local government civil engineering construction projects. A total of 178 local and central government officials were arrested for accepting kickbacks in cash or services.

Police are disturbed that the methods of bribery are becoming harder to uncover. For this reason officials suspect the totals are only partial.

In an effort to root out corruption, regional police bureaus are being asked to probe thoroughly the activities of all local government officials. One of the most common methods of giving bribes is to list the wife or mistress of the government official on the payroll company giving the bribe. Another is for the briber to invest in a firm operated by a relative or person closely connected with the official, or pay part of the cost when the official builds a house or takes a trip overseas.

All Nippon Airways, whose top officials have been arrested and charged with perjury in the Lockheed scandal, is a typical case.

It appears, the airline was determined at any cost to overtake Japan Airlines as the nation's number one. In an attempt to win parliamentary approval for planned expansion both on domestic and international routes, ANA issued free tickets to politicians, along with cash during the traditional midsummer and year-end gift giving.

Transport Ministry officials allegedly were offered a range of gifts from expense-paid golf excursions to boxes of candy for their children. Banquets at the best restaurants and drinking parties in expensive Ginza bars also were used to influence officials, according to government prosecutors.

Officials would run up large bar bills that would be paid later by ANA. Those inclined to gamble were invited to mahjong parties, and the airline allegedly ensured that their guests won.

Efforts to uncover the extent of the corruption in Japanese national life have been hampered by revelations that even public prosecutors and police are not immune from "Lockheed disease."

In Hyogo Prefecture, a senior police chief has been accused of accepting gifts from gangsters, and dozens of police of various ranks are under investigation for accepting bribes to overlook offenses involving motor vehicles.

In recent months at least six other documented cases of police corruption have surfaced in various parts of the country.

In the port of Kobe, the district prosecutor's office is accused of demanding membership at an exclusive golf club operated by Eitaro Itoyama, a politician the office was investigating for election law violations.

Revelations of police corruption have become so common that Japanese charged with minor infringements of the law are demanding to be let off, in effect telling police: "Put your own house in order before you start picking on us."

Declaring that Japan's era of high economic growth has led to the unhealthy development of "money power," a newspaper editorial recently commented: "Monetary gifts, treating for drinks and meals, invitations to pleasure trips and golf, are all easily included in the business round and they have become to be regarded as common social customs.

"But such economic crimes as corruption, tax evasion and embezzlement can be considered much worse than roberry or murder, because they can lead to the ruin of this country."

NEW YORK TIMES
28 JUL 1976

Shockwaves in Japan

The arrest of Japan's former Prime Minister, Kakuei Tanaka, is the most dramatic indication yet of the heights to which the rot of corporate bribery may have spread in world trade. No wonder the ruling Liberal Democrats of Japan were so nervous about the unfolding disclosures of Lockheed Aircraft's multimillion-dollar payoffs, a nervousness shared by United States Government investigators who presumably were aware of a possible Tanaka link to the web of corruption.

The internal political struggle in Japan, less than five months away from an election, is bound to be inflamed by this development—though the impact could go either way. It was a Liberal Democratic Government that pursued the Lockheed investigation to Mr. Tanaka's front door yesterday morning. The former leader, moreover, had headed an opposition group inside the party to challenge Prime Minister Miki's lackluster leadership. In a stroke, a possibly formidable opponent would seem to have been neutralized, though the cynicism in Japan runs so deep that already there are charges that Mr. Tanaka has simply been set up by his party rivals as a politically convenient scapegoat.

The immediate lesson to be drawn is similar to that of the American Watergate experience: The political system has not been so hopelessly corrupted that official wrongdoing—if that is what occurred—can be indefinitely covered up. And considering the frailty of democracy in Japan, the Miki Government, whatever its immediate motives, has to be commended for its bold action.

The Tanaka arrest also has meaning for this country, a timely counterbalance to a disturbing attitude that has been making inroads in government and business circles—the belief that bribery and shady payoffs are such an entrenched part of international commerce that only the naïve expect any real improvement in corporate ethics. This attitude was epitomized in the degrading statement by the head of a leading managerial consultants firm, as quoted recently in The Wall Street Journal; the current anti-bribery drive in Congress and elsewhere, he reportedly stated, is nothing but "a bunch of pipsqueak moralists running around trying to apply U. S. puritanical standards to other countries."

Fortunately for themselves and the nation as a whole, many of the most influential business executives do not share this contemptuous view. In Japan as well as the United States, enforcement of allegedly "puritanical" standards makes ultimately for decent business and political relationships alike.

Latin America

THE READER'S DIGEST
August 1976

Kremlin strategists have converted Cuba into an increasingly potent launching pad for anti-Western subversion throughout the world

THE MOSCOW-HAVANA CONNECTION

BY MELVIN R. LAIRD

A YEAR AGO, cooing sounds of rapprochement with Cuba were heard. U.S. Senators and journalists had flocked to Havana and returned with glowing reports of a new moderation. With American concurrence, the Organization of American States' 11-year-old trade and diplomatic embargo, imposed in retaliation for Castro subversion, was quietly ended. It seemed likely that Washington and Havana would soon resume the diplomatic relations broken in 1961.

Then, beginning last August, 14,000 Cuban combat troops, utilizing the latest weaponry, invaded Angola to crush the non-communist opposition and install a Marxist regime. The military power of the Soviet Union—combined with a growing neo-isolationist attitude in Congress—had emboldened Kremlin leaders to throw down a challenge beyond daring a few years ago.

Nothing reveals this new aggressiveness like the Moscow-Havana connection. In brazen defiance of the Monroe Doctrine, the Soviets have converted Cuba into a military base and springboard for anti-Western subversion and strategic thrusts all over the globe. Some examples:

• Last spring, Soviet transports ferried 650 Cuban troops, pilots and technicians into the giant Soviet military complex at Berbera, Somalia, where they work with 2500 Russian troops. Cubans fly jet fighters, man missiles and coach guerrilla movements in Yemen and Somalia, preparing "wars of liberation" against Ethiopia, Djibouti and Oman at the Red Sea and Persian Gulf entrances—oil lifelines for West Europe and Japan.

• Thirty members of the Cuban secret police—*Dirección General de Inteligencia* (DGI)—who were trained in the Soviet Union, staff a Havana institute that prepares English-speaking Cubans for infiltration into the United States as illegal espionage and terrorist agents.

• The Cuban government maintains a Havana headquarters for a minuscule Marxist-Leninist party that encourages Puerto Rican violence. The Soviet and Cuban delegations have pushed a United Nations resolution endorsing independence for this island commonwealth, where only .6 percent favored independence in a 1967 referendum. This U.N. charade has a single purpose: to incite and support the Cuban-trained terrorists whose bombs have rocked Washington, New York and Chicago.

• In Havana, Manuel Piñeiro "Redbeard" Losada, chief of the Soviet-backed "Department of America," oversees some 400 agents in stirring up trouble throughout the hemisphere. Twice in the last three years Cuban-trained exiles have landed secretly in the Dominican Republic in abortive efforts to organize guerrilla violence.

To understand the dynamics of the Moscow-Havana relationship, examine its evolution over the past decade. In 1967, Castro sustained a desolate defeat of his grand strategy of violent revolution when Ernesto "Che" Guevara failed in Bolivia to show that Cuba could create "many Vietnams" in South America.

Castro's incendiarism was so counterproductive, and his own economic mess such a mounting $500 million-a-year burden to the Soviets, that they decided to tether him. Oil deliveries to Cuba mysteriously began to fall behind. Sugar mills, factories, highway traffic sputtered. "We have trouble on the docks in Baku," Moscow explained. By mid-1968, Castro capitulated. He placed the DGI under a Soviet KGB general, who sits in an office next to the DGI chief in Havana. The general and his KGB subordinates approve the operational plans of all DGI divisions. Other KGB officers, sons of Spanish communists who fled to the Soviet Union after the Spanish Civil War, have become "Cubans" in the DGI.

The Soviets also imposed a "de-Fidelization" of the Cuban government and economy. Today, 7000 Russians sit in Cuban ministries and enterprises. The Cuban communist party has been remade in the Soviet image with a constitution modeled on the Soviet Union's 1936 Stalinist charter.

Castro's abject surrender was revealed at last year's Havana conference of 24 Latin American communist parties. Henceforth, the Castroites announced, all Cuban help would be given only through the Moscow-approved parties. Revolutionaries must discipline themselves, form a united front, abandon free-lance activity and resort to violence only under tutelage of the local Kremlin subsidiary.

Soviet control of the Cuban operations is virtually complete. In Cuba itself, Czech and Soviet instructors assist Castro's terrorists. Cuban experts joined the Palestinian training camps in Syria, tutoring terrorists from Japan, Germany and Iran as well as Arabs. The graduates depart to wreak global havoc.

Middle East. For months, Cuban-supported terrorists in Iran have waged a war of assassination and kidnapping. One killed in a shoot-out last May was found to have been trained in Cuba itself. Victims include Iranians and three U.S. Army officers in Tehran. In February, during his visit to Moscow, Castro promised support to exiled leaders of the Iranian communist party. They are now coördinating Cuban-trained insurgents fighting Iranian forces in Oman.

Latin America. In 1970, two Castro-schooled terrorists proclaimed a "People's Revolutionary Army" in Argentina to bring down the government. More recently, other Argentines have taken terrorist instruction inside Russia itself. They have waged a murder-and-kidnap campaign against police, the military, and Argentine- and foreign-owned businesses. Corporate giants have been forced to pay upward of $83 million to ransom executives or buy off murder campaigns.

Western Europe. Three Cuban diplomats were expelled by France for collusion with a Venezuelan-born Moscow-trained terrorist who murdered two French policemen and an Arab informer. The Venezuelan fugitive, code named "Carlos"

—real name Ilich (for Lenin) Ramírez Sánchez—is a go-between for German, Japanese and Arab terrorists who have seized embassies, kidnapped political figures and murdered people in Germany, Sweden, Holland, France and Austria. "Carlos" fled to Libya after staging the sensational kidnap of the 11 oil ministers in Vienna last December.

United States. Since 1969, more than 2400 young American radicals have visited Cuba as members of the so-called Venceremos Brigades. They spend weeks cutting cane, building schools, undergoing indoctrination and being evaluated by the KGB and DGI as future illegal intelligence agents or supporters for terrorists whose bombs have hit the Capitol, Pentagon, State Department and other targets from coast to coast.

Angola. In January 1975, the Portuguese government and the three Angolan liberation groups agreed on a peaceful transition to independence. By March, the Moscow-spawned Popular Movement for the Liberation of Angola (MPLA) was receiving huge supplies of Soviet arms.* By April, Cuban advisers were in Luanda instructing MPLA troops. By May, a high-ranking Red Army delegation had arrived in Havana to arrange the massive dispatch of Cuban combat troops to Angola.

Those troops began arriving in August. Their mission: to operate the sophisticated Soviet weaponry for MPLA attack columns and to control newly conquered areas while the thinly stretched MPLA forces finished their sweep. By early December, 5000 Cubans were engaged in combat; behind the lines the Soviets had an estimated 400 advisers.

Meanwhile, U.S. Secretary of State Henry Kissinger publicly warned the Soviets that they were risking détente by their blatant intervention. For two weeks, the Kremlin and Havana appeared to hesitate, but DGI's intelligence analysts advised Castro and Moscow that the United States, traumatized by the Southeast Asia collapse and Watergate, would be unable to respond.

It proved prophetic advice. On December 19, the U.S. Senate, by a 54-22 vote, amended a foreign-aid bill to forbid any spending for CIA aid to Angola.

Six days later, on December 25, the Soviet airlift resumed. Within a month, the Cuban troop strength zoomed to 12,000. In January, the anti-Marxist forces still controlled about 70 percent of Angola's territory and population. But within weeks, Angola had fallen to the communists. In February, when Castro addressed the 25th Soviet Communist Party Congress in Moscow, he and the assembled comrades were triumphant.

What Next? This kind of Marxist intoxication in the Kremlin poses the greatest danger to world peace. The very day the U.S. Senate passed its no-aid-to-Angola amendment, top Soviet strategist Mikhail Suslov uttered this portentous threat at the Communist Party Congress in Havana: "The revolutionary-liberation movement, now as never before, is linked into a unified global whole. The Cuban revolution has placed an indelible imprint on the development of the whole liberation process in Latin America. Prospects for the second liberation of the continent are becoming increasingly real."

Coming from a man who promoted the "liberation" of Budapest, Prague and Saigon, these are dangerous words which require immediate and long-term U.S. responses:

1. We must stop the destructive assaults on our intelligence agencies, which alone can provide the detailed evidence of Russian and Cuban terrorist assaults against the United States, its allies and neutral states. These attacks have vastly hampered the collection and analysis of intelligence on Soviet-Cuban intervention in Angola and KGB-DGI-orchestrated terrorist campaigns against the United States and other nations.

2. We must reinstitute the economic and political embargo against Cuba. Such sanctions will not topple the totalitarian regime, but they will diminish Castro's capacity for mischief, terror, subversion and armed aggression. And the sanctions must be supported by all our allies, including NATO nations and Japan. *They* are all now targets of the terroristic regime they are helping to strengthen via trade. Trade should promote peace—not aggression.

For the same reasons, we should not hesitate to use economic sanctions against the Kremlin's aggressions. Even as the Angolan invasion mounted, U.S. representatives in Moscow continued to negotiate a pact, announced October 20, under which the Soviets are buying millions of tons of American grain to support their faltering collectivized agriculture. The pact also envisioned our supplying the Russians with much-needed American oil-well technology that will boost their production within 18 months by 700,000 barrels daily.

3. We must arrive at a national resolve to counter the Kremlin's political warfare and Cuban aggressions. The Cuban invasion of Angola occurred *only* because of the communist conviction that the United States was in such internal disarray that it lacked the will to resist.

We desperately need a Congress and a White House that are united in this resolve. Says Brookings Institution defense analyst Barry Blechman: "Only by demonstrating a willingness to make major issues of single events which, in isolation, sometimes appear relatively insignificant can the United States bring the Soviet Union to understand that the process of normalizing our mutual relations requires concessions on both sides."

4. We must convince the Kremlin that we recognize clearly that *they* are ultimately responsible for Cuban depredations.

Our entire relationship with the Soviet Union, including trade and the strategic-arms-limitation negotiations, is at stake and must be carefully and realistically reappraised. We must stop passively swallowing Moscow's baited proxy challenges at the time, place and manner of *their* choosing—and make our responses where, when and as *we* choose.

*See "Angola's Made-in-Moscow War," The Reader's Digest, June '76.